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Appointments review

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Le mercredi 22 avril 1992

Comité permanent des organismes gouvernementaux

Organisation

Révision des nominations

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Clerk: Douglas Arnott

Président : Robert W. Runciman
Greffier : Douglas Arnott

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 22 April 1992

The committee met at 1014 in room 228.

ELECTION OF CHAIR

Clerk of the Committee (Mr Douglas Arnott): Honourable members, it is my duty to call upon you to elect a Chair of the committee. Are there any nominations, please?

Mr Bernard Grandmaître (Ottawa East): I move that Mr Runciman be Chairman.

Clerk of the Committee: Are there any further nominations? There being no further nominations, I declare Mr Runciman elected Chair of the committee.

Mr Robert W. Runciman (Leeds-Grenville): That's one of the easiest elections I'll ever go through. Thank you very much for that show of support.

ELECTION OF VICE-CHAIR

The Chair: We will now ask for nominations for the election of a Vice-Chair for the committee.

Mr Jim Wiseman (Durham West): Can I nominate Al McLean?

The Chair: If Mr McLean is willing to accept the nomination, you certainly can.

Mr Allan K. McLean (Simcoe East): I would.

The Chair: Any further nominations? Hearing none, we'll declare Mr McLean the Vice-Chair of the committee. Congratulations, Al.

BUSINESS SUBCOMMITTEE

The Chair: The appointment of a subcommittee on committee business: There's a motion attached, if you haven't had a chance to look at that. I'll automatically be a member and Mr McLean will be a member of the subcommittee, Mr Grandmaître, I believe—

Mr Grandmaître: Yes.

Mr Wiseman: He's overwhelmingly endorsed by his colleagues.

The Chair: —and Mr Wiseman for the NDP. Can we have a motion to that effect? Moved by Mr Waters. Any discussion? All in favour? Carried.

APPOINTMENTS REVIEW

Resuming consideration of intended appointments.

NICK DOELMAN

The Chair: We can move on to our regular scheduled business now, which is a half-hour review of Mr Nick Doelman, who is an intended appointee as a member of the Farm Tax Rebate Appeal Board. Mr Doelman, would you like to take a seat, please. Welcome to the committee, sir.

Mr Nick Doelman: Thank you.

The Chair: This is a half-hour review, 10 minutes allocated to each party. Your review was a selection of

the official opposition, so Mr Grandmaître will begin the questioning.

Mr Grandmaître: I was looking at your CV last night and it's very impressive, so you must know something about the tax rebate program and the appeal board.

Mr Doelman: I'm familiar with it as a recipient of farm tax rebate, to begin with. I'm very much in support of the program to rebate taxes that are on farms other than the home. I've been familiar with the appeal procedure in its broadest sense. I'm not familiar with the details of what would change a ruling and so on. Other than that, I really probably can't add too much to it other than as a recipient.

Mr Grandmaître: But you are supportive of the program.

Mr Doelman: I am very supportive of the program and of the appeal procedure.

Mr Grandmaître: There are rumours—and this is the place to spread rumours; Queen's Park is a great place to start rumours—that the minister or the ministry is interested in maybe diluting the program. How would you view that approach?

Mr Doelman: I would have some concern if it was reduced or removed unless something else could be brought in in its place that would do the same kind of job the rebate program is doing right now. I've heard the rumour and have some concern and have talked to our local MPP regarding it.

Mr Grandmaître: Do you think 75% of your tax bill is reasonable compensation?

Mr Doelman: I guess we're all greedy and would like to have more or hate to lose what we've got. I'd hate to make a comment unless I had an opportunity to really sit down and see how it would affect me or my neighbours as to whether I think it's really reasonable or not. Without it, I know it would hurt, and it would hurt many of my neighbours also, particularly those who are on a breaking edge.

1020

Mr Grandmaître: Being active in your own farming community, what are your friends saying: that it's adequate or not adequate?

Mr Doelman: They definitely do not want it to erode any more or to erode at all. There probably is a certain degree of thinking that it should be higher than it is, but definitely not to erode it.

Mr Grandmaître: In 1986—I was Minister of Municipal Affairs at the time—I had the distinction of excluding the farmer's residence from the program. Do you think this was a right move or the wrong move?

Mr Doelman: At the time I wasn't very happy with it, but it probably was fair and it probably made it more justifiable to remove the residence. I think it is fair that I'm treated

equally in terms of my residence as far as being taxed as the person down the road or in the nearby town. I think the unfair part would come if my food-producing assets are taxed.

Mr Grandmaitre: Those are all my questions for now.

The Chair: Mr McLean is absent at the moment. I'll look to the government party, Mr Wiseman, initially.

Mr Wiseman: For those of us who are not familiar with the way taxes are levied in the rural areas, perhaps you could give us some indication. For example, in the urban areas there's a mill rate placed on the value of the house. There are two structures: market value assessment and then another appraised rate that's been around for a long time, and the mill rate is determined on the basis of that. How does it work in the farming community?

Mr Doelman: Very much in a similar way, but in addition to the residence the farm buildings are appraised and the tillable land is appraised and a common mill rate is then struck. The entire parcel then has a value and a mill rate applies.

Mr Wiseman: I'm just trying to get some idea of the taxes a farmer would pay in terms of property taxes. Have you any idea what the average tax might be on a family on a farm?

Mr Doelman: If I gave my own, what I pay taxes on and the amount of rebate I receive, I'd probably be a little higher than the average, but our rebate would total about \$4,000. Our total taxes payable would be somewhere between \$7,000 and \$8,000.

Mr Wiseman: That's before rebate, or after?

Mr Doelman: The \$8,000 is before the rebate, and then we receive back almost \$4,000 in rebate.

Mr Wiseman: So you'd be looking at a \$4,000 tax for property assessment.

Mr Doelman: Yes.

Mr Wiseman: If we can just go down this road a little further, in the community where you're from there isn't a regional government.

Mr Doelman: There is not, no.

Mr Wiseman: So then basically you're looking at education tax and municipal tax.

Mr Doelman: That's right.

Mr Wiseman: What percentage of your property tax is education tax?

Mr Doelman: I believe it's just slightly over 50%.

Mr Wiseman: What you get for that is busing and for your children to go to school.

Mr Doelman: Yes, busing and the school and associated costs.

Mr Wiseman: And for the municipal tax?

Mr Doelman: What do we get for that? Fire, garbage, roads.

Mr Wiseman: You do the garbage pickup.

Mr Doelman: Yes, we do.

Mr Wiseman: That's interesting. I have residents in my riding who live in rural areas and do not get garbage pickup, yet they pay the municipal taxes.

Mr Doelman: The cost of the garbage is directly related to the amount of tax that we pay. It was a township choice to have garbage pickup, and the cost was added to our taxes.

Mr Wiseman: In my community a 3,500-square-foot house pays about \$4,300 in taxes. Would you say that would be about equivalent?

Mr Doelman: A rural, non-farm house of 1,500 square feet in our township would pay less than \$1,000 in tax.

Mr Wiseman: Why would that be?

Mr Doelman: Because of the way it's assessed.

Mr Grandmaitre: That's why we need market value assessment.

Mr Daniel Waters (Muskoka-Georgian Bay): Do they have sewers and water?

Mr Wiseman: They don't have sewers or water. This is really quite interesting. I have to think about that.

Mr Doelman: I own a house separate from my farm which I purchased so that somebody else couldn't purchase it and interfere with my livestock operation. The tax cost on it is under \$1,000. It's a house that's about 15 years old.

Mr Wiseman: That's basically because of the way the assessment has been developed over the years.

Mr Doelman: Yes.

Mr Wiseman: And yet your farm is assessed at even more.

Mr Doelman: That's right.

Mr Wiseman: Assuming you make a profit in farming, which is a pretty big assumption these days, you would also have to pay taxes on that. Would you not then be able to declare and deduct your barns and that process and have it separate from your municipal taxes?

Mr Doelman: The cost of the municipal taxes is a farm expense, which is deducted from our farm income. The rebate is farm income and is added to our income.

Mr Wiseman: That seems rather circular.

Mr Doelman: We just treat it as an expense and as income. I have no problem with the way that works, really.

Mr Wiseman: Is there any way to perhaps simplify the whole procedure and make it a little more equitable?

Mr Doelman: I'm sure there is, but making something equitable is very difficult. What's fair for me might not be perceived as fair for somebody else. I don't have any answers as to how to make it more fair and equitable.

Mr Wiseman: It would be very easy to calculate the true cost of education, and then from the municipal the true cost of delivery of services to each unit.

Mr Doelman: Yes. Actually the education portion of our tax is shown separately on our tax bill.

Mr Wiseman: I don't have any more questions. Does anybody else have questions?

Mr Will Ferguson (Kitchener): Could you explain to the committee why you wish to be appointed?

Mr Doelman: When the opportunity came up and I was asked if I was interested, I felt I could be a fair and

equitable member, but I also thought I could grow from the experience and that it would be a challenge for me.

Mr Ferguson: Have you ever been a member of a political party?

Mr Doelman: I was a member of a political party at one time.

Mr Ferguson: Which party would that have been?

Mr Doelman: The Progressive Conservative Party.

Mr Ferguson: I guess that means Mr McLean's supporting him.

The Chair: Sounded like the past tense to me.

Mr Ferguson: Mr Runciman, I tell you, you're going to take them wherever you can get them at this point.

Mr Rosario Marchese (Fort York): Those past attachments are still good.

I have just two questions. Some people would worry about how fair a board member would be when someone is doing an appeal. What gives us the sense that you would treat fairly all people coming for an appeal?

Mr Doelman: I guess I would want to treat everybody the way I'd want to be treated if I were coming in for the appeal. I am the kind of person who would want to go in there totally neutral and hear their case and make my decision on what the intention was. I guess what it really goes back to is that I would want to treat people the way I'd want to be treated if I were in their shoes.

Mr Marchese: Just to touch on some questions raised by others, some feel that education should not be financed through property taxes on farm land. Connected to this is the question of the small farmer versus the big farmer or the rich farmer who obviously would have a great deal of land and would be better off financially. There is a discrepancy in terms of the big and the small and how you deal with that whole issue. What is your view of whether or not education should be financed through property taxes on farm land as opposed to the house?

Mr Doelman: I'm not sure I would be in favour of totally removing education taxes from farm property, but I think there has to be some balance between the residents who are receiving the benefit and those who are paying the cost of that benefit. Personally I would gain from removing it completely from farm property. But I'm not sure it's really reality to consider that or even to ask for that, because somewhere else it has to be picked up. As a taxpayer, it's going to cost me somewhere. But I have concerns about it.

1030

Mr Marchese: Presumably the small farmer who doesn't make very much money and has to be taxed on that farm land—the rebate is only 75%—would feel there is some inadequacy here. If they're not making money, in fact losing money, and they're also taxed on the little land they have, which bears very little fruit, it's not fair. Should there be a system in place that compensates those who are losing money or not making any?

Mr Doelman: I guess right now the large farmer is probably losing as much money as the small farmer, maybe even more. I see where you're coming from. I think there

is some possibility, but I can't see the mechanics right offhand how you would set that up without creating a great deal of bureaucracy and more paperwork for the farmers to have to apply for the rebates and so on. I had not thought before of what you just asked, but it's an interesting concept.

The Chair: Mr McLean.

Mr McLean: I guess Ben was all done before I got here.

Mr Grandmaitre: Yes.

Mr McLean: The Farm Tax Rebate Appeal Board only hears appeals against the assessment farmers have been assessed. I am curious about the board. Maybe you know more about it than I do, or maybe you don't. I don't know. How many appeals do they hear in a year? How many did they hear last year? Do you know?

Mr Doelman: I don't know. I understand there are usually something around 15 days a year of appeal time.

Mr McLean: Does your appeal board have any input into how the farm tax rebate works? Do you know?

Mr Doelman: I do not know.

Mr McLean: I don't know either. I'm curious to find out who's going to have the input into the farm tax rebate, because when I've looked at it over the years and I've listened to some of the questions that have been asked, I've always had a problem with education taxes on farm land. I see nothing wrong with taxing the farm home the same as anybody else's home. Do you have a view on how the farm tax rebate should work with regard to a viable farm?

Mr Doelman: As I commented a bit earlier, I would gain from not having it on the farm property and the farm buildings, but I don't think that's a reasonable thing to expect, for the immediate future anyway. I definitely think it should be on the farm home.

Mr McLean: Right. The farmers pay. We pay on our farm probably about the same tax as you, around \$8,000. That's a big output for my son, who's running the farm, to have to put that amount of money out. Then you have to fill out an application to get part of it back. Would there be a way around it, that you could pay for the farm home and buildings? Would you look at that aspect as a priority?

Mr Doelman: As I understand it, I'm not sure if this committee has the opportunity to put input into it. But aside from that, I think it would be something very interesting to pursue.

Mr McLean: I don't have any further questions.

The Chair: That concludes the questioning, and we wish you well. Thank you for your appearance here today.

Mr Grandmaitre: Could I add something just to follow up on Allan's type of question? I think the only way we could improve the system is by having market value right across this province. I think we could help small farmers and bigger farmers, industrial land, commercial land. I'm talking about vacant land. Back in 1973 Darcy McKeough wanted to have market value right across the province, and it never worked out that way. I think the Ontario Federation of Agriculture should be pushing for market value in the farming districts at least.

The Chair: Mr Grandmaître has started a precedent I'm not going to continue beyond this meeting, but because of the spirit of generosity in being re-elected to this office I will allow Mr Wiseman one last question too. Mr Doelman, if you don't mind, one last question from Mr Wiseman.

Mr Wiseman: The Fair Tax Commission is currently reviewing property assessment. Would you say that it would be a worthwhile exercise for the Fair Tax Commission to look into the whole process of taxing farms and how that would be best done?

Mr Doelman: Yes, I think it definitely should look into it.

Mr Wiseman: My last comment on market value assessment: It's nice when the market goes up, but what happens to the homes that get assessed at a high market value and the market goes down?

Mr Grandmaître: It all depends on the mill rate.

The Chair: Once again, thank you, Mr Doelman.

1040

FERNAND HAMELIN

The Chair: Our next witness is Fernand Hamelin, who is an intended appointee as a member of the District Health Council of Eastern Ontario. Thank you for appearing here today, Mr Hamelin. You as well were selected for review by the official opposition, so I'm going to again look to Mr Grandmaître to begin the questioning.

Mr Grandmaître: I guess I'm the only one who called for this meeting. Monsieur Hamelin, bienvenue à Queen's Park.

Some months ago we had a guest who appeared before us, the chairperson of the eastern Ontario district health council, and we were told very bluntly that district health councils are not always respected by the ministry and maybe the minister, meaning that you can work months and months on a project but the ministry will put aside your project very quickly if it doesn't fit or if it's not part of the ministry's or the minister's plans. What are your thoughts on those comments by your chair?

Mr Hamelin: It's very difficult for me to answer that because I haven't been part of the decision-making process that the district health council went through in the last few years. I'm a new appointee, and therefore I haven't worked at the council level. From my research and from looking into some of the recommendations and some of the actions taken by the ministry or the government in the last four or five years, I'm aware of recommendations that went through, but unfortunately I'm not aware of what didn't go through.

As an example of what went through, I know for the last few years we have had an air ambulance service between Cornwall and Ottawa. I understand that to be a recommendation of the district health council some years ago, but it's very difficult to comment on the resolution or recommendation that didn't follow through.

M. Grandmaître : Si je me fie à votre expérience à Cornwall, Monsieur Hamelin, que penseriez-vous être la chose la plus nécessaire présentement dans le domaine de la santé pour la communauté de Cornwall ? Qu'est-ce qui

manque à Cornwall ? Je sais qu'il y a un manque d'emplois, mais dans le domaine de la santé, qu'est-ce qui ferait de Cornwall pas une région unique, peut-être, mais commune aux autres ?

M. Hamelin : À Cornwall, comme dans tous les plus petits centres ou les centres éloignés, il y a un manque prioritaire de médecins. Je sais que les médecins de la région partent assez souvent faire des campagnes de recrutement dans les universités pour attirer de nouveaux médecins. Je sais qu'un grand manque c'est de médecins dans les domaines spécialisés et dans la médecine généraliste. Des médecins francophones manquent aussi. Les médecins francophones sont maintenant d'un âge à penser à la retraite, et les nouveaux médecins se font rares. Alors, pour la population, le service de médecins est une chose très importante.

M. Grandmaître : Je comprends que c'est tout à fait nouveau pour vous d'appartenir à un tel comité ; mais par contre, vous qui connaissez très bien votre communauté, est-ce que vous avez en vue un «petit projet», comme on dit ?

M. Hamelin : Personnellement, non. En discutant avec les présents membres du Conseil et en lisant les journaux et l'information que l'on peut avoir au sujet des soins de santé, on voit qu'il y a un manque grandissant d'argent pour les hôpitaux de la région. On pourrait être obligé, dans les années à venir, de regarder comment améliorer le service ou comment avoir le même service mais d'une manière différente : comment, avec les fonds qu'on va recevoir, on va être capable d'offrir le même ou un meilleur service. Je sais que c'est une des priorités qui semblent se développer avec le Conseil régional de santé.

Mr McLean: Are you familiar with the workings of the district health council in eastern Ontario?

Mr Hamelin: I'm familiar with some of the recommendations, the action as a result of those recommendations the ministry took in the region and some of the result of that, yes.

Mr McLean: Are you aware of the ministry taking some action not recommended by the district health council?

Mr Hamelin: I'm not familiar with that, as I mentioned earlier.

Mr McLean: There seems to be some concern in some of the district health councils across the province with regard to decisions being made without input from the district health council. Are you aware of some of that?

Mr Hamelin: No, I'm not.

Mr McLean: Do you believe it probably exists?

Mr Hamelin: From my experience on the board, since I've been on the board of St Lawrence College for the last six years, the last year as vice-chairman, we have discussions with the ministry and we don't always agree and we don't always have what we ask for. Being a member of another type of board, I'm familiar with the proceeding and some of the results of the discussions. So I would probably find it natural, to a certain point, that we don't always have what we ask for.

Mr McLean: Maybe not, but the district health councils were set up to make recommendations to the ministry

with regard to functions taking place within the jurisdiction of that district health council. We have observed some of the problems that have taken place in eastern Ontario and other parts of the province. I'm wondering what point of view you're going to bring to that board with regard to some of the changes that may take place there in order to make that board run more efficiently and have more productivity into any changes the ministry may make. Would that be the aim of your accepting this position?

Mr Hamelin: Sitting on an advisory committee and working on different projects of the council, it's like any other board. If you work on something you believe in, that you feel is important for the community, then you do everything in your power to convince the proper authority of the good of your recommendations. In my experience in the past, that's what I've done. If I recall the work that I and members of other committees did regarding a francophone college campus in Cornwall, we worked extremely hard at convincing the proper authority of the good of such a campus in Cornwall.

Mr McLean: I wish you well in your endeavours. I think you're a good candidate and I hope your input will be influential in making that commission and board run better.

Mr Robert Frankford (Scarborough East): The district you cover is quite large, isn't it? It's 2,000 square miles, it says.

Mr Hamelin: Yes. The district covers five counties including the city of Cornwall. So it's a very large area of eastern Ontario.

Mr Frankford: I understand you feel the priority is the lack of medical services.

Mr Hamelin: I was asked what one of the priorities is, and one of them that always comes up in the news is the lack of new doctors in the area. That's one of the things I know everybody's working very hard on.

Mr Frankford: Is it your understanding that this is something the district health council is in a position to do something about?

Mr Hamelin: That's one of the many concerns. As a group representing the area, I'm sure the district health council could have some input into it. I also mentioned earlier that hospital funding, hospital operation and new programs are another area which the district health council feels is very important to look at.

Mr Frankford: How many hospitals would there be in the total district?

Mr Hamelin: There are five hospitals.

Mr Frankford: How many in Cornwall?

Mr Hamelin: We have two hospitals in Cornwall, one in Hawkesbury, one in Alexandria and one in Winchester.

Mr Frankford: Are you in a position to know about the viability of the smaller hospitals?

Mr Hamelin: It would be very difficult for me to comment on that. It would be too new at this time.

Mr Frankford: There has been established a francophone community health centre.

Mr Hamelin: Yes. Actually, the official opening of the health centre will be some time in May, but it's actually been in operation now since some time in the middle of the winter. There are now a doctor and a nurse working there and they are offering some services.

Mr Frankford: This could be the only health centre in the region.

Mr Hamelin: At this time, I understand this centre serves Cornwall and the Alexandria area. The council was approached by the people from Russell county and there is a committee working hard now trying to look at the viability of opening up another centre in that area.

Mr Frankford: Another budgeted community health centre.

Mr Hamelin: Yes, for francophones.
1050

Mr Frankford: Do you have any connection with that or are you a user of it?

Mr Hamelin: Personally, no. I have relatives who have been using it, especially because my in-laws wanted to have a francophone doctor and it was very difficult to. They went to the centre and were served there.

Mr Frankford: Do you have any model in mind for what would address the need for, let's say, more centres and more physicians or perhaps more efficient use of physicians?

Mr Hamelin: Do I have a magic solution? No, I don't. I know everybody's been working hard at it. Like I mentioned earlier, every year there's a recruitment campaign involving people from the economic development of the area to the representatives of the medical field, going out and recruiting.

Mr Frankford: Finally, is there much cross-border shopping for health, either to or from Quebec and New York state?

Mr Hamelin: Not to my knowledge. That's a new twist, but not to my knowledge of that. I know people sometimes have to go to western Quebec or Montreal, especially in a specialized field. I've heard people for the very specialized fields have to go there or the other way: they go to Kingston or Ottawa. But I don't know. Going down on the American side, I haven't heard of anything.

Mr Frankford: Conversely, you're not aware that there's any attraction from the other jurisdictions to Cornwall?

Mr Hamelin: No. Through discussion, I haven't heard of that.

Ms Jenny Carter (Peterborough): Are you familiar with the Ministry of Health's new suggestions on long-term care? I see your health council has in fact organized consultations on that at the local level. Do you know anything about what has come out of that?

Mr Hamelin: Offhand, no. I wouldn't be able to comment regarding the endeavour of the district health council in that area.

Ms Carter: The government has put forward proposals which have been very widely discussed. The general thrust

is that we're going to try to make it more possible for people to remain in the community rather than go into institutions, and we're trying to hold hospital beds steady.

There's also a plan to have a single-access organization so that people who need whatever service, whether it's an older person who needs to go into a home or whatever, can go and get the service in one place where all the information will be available. I'm just wondering how that's shaping up in your area and what opinions you might have on it.

Mr Hamelin: I know that with the hospital in Hawkesbury the administration there worked on a project, the hospital-in-the-home program, it's called. Through this project they've relocated 15 acute-care beds where they deal with people at home instead of having to bring them to the hospital. I know there is an effort made to make people more comfortable so they could stay at home longer. So I'm aware of the project the district health has been working with at the hospital in Hawkesbury, but that would be very minimal.

Ms Carter: Do you see that as a way to emphasize wellness, if you like, and to emphasize supporting people in the community?

Mr Hamelin: I think so. Many of the seniors in our area want to stay at home the longest time they can. They want to be able to have services in their mother tongue. Therefore it is sometimes sad whenever they have to leave. I see that as being a benefit for—

Ms Carter: Certainly providing services in a person's own language and so on is part of what the proposals include.

Mr Hamelin: Yes.

Ms Carter: I'm just wondering whether in a scattered-type area there might be problems with a single-access organization. Will you have any idea how this might be organized in a rural community?

Mr Hamelin: If I use the Hawkesbury example, the people are all the responsibility of the Hawkesbury hospital. I am only assuming. That would be a restrained kind of

area. I would see the same thing whenever we talk about the health centre for Cornwall and Alexandria. Although the population in the five counties is approximately 46% francophone, you're talking about a very restricted area, because the area is quite large to cover.

The Chair: Mr Hamelin, that concludes the questioning. Once again, thank you for appearing today and coming up to Toronto for this. We very much appreciate it and wish you well.

Mr Hamelin: Thank you very much.

The Chair: We can now deal, as the agenda indicates, with a motion as to whether or not the committee concurs with the appointments we've reviewed today, or at the request of any member, we can delay. What's the feeling?

Mr Wiseman: I'll move it.

The Chair: Mr Wiseman is moving both Mr Doelman and Mr Hamelin, that the committee concur in the appointments of these two gentlemen. Any discussion on the motion?

Mr McLean: I'd like to move them separately, Mr Chairman.

The Chair: You'd like to move them individually? All right, we'll look to Mr Doelman initially.

Mr Wiseman moves the concurrence of the committee in the appointment of Mr Doelman. All in favour? Opposed? Carried.

Motion agreed to.

The Chair: Mr Wiseman moves that the committee concur in the appointment of Mr Hamelin. All in favour? Opposed? Carried.

Motion agreed to.

The Chair: That concludes the agenda for the day. I'd like to ask the members of the subcommittee just to stay around for a minute or two, but the regular meeting is adjourned. Thanks very much.

The committee adjourned at 1057.

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Organization

Appointments review

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Deuxième session, 35^e législature

Journal des débats (Hansard)

Le mercredi 29 avril 1992

Comité permanent des organismes gouvernementaux

Organisation

Révision des nominations



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Clerk: Douglas Arnott

Président : Robert W. Runciman
Greffier : Douglas Arnott

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 29 April 1992

The committee met at 1014 in room 228.

The Chair (Mr Bob Runciman): I am going to call the members to order. We have representatives from each party. We have witnesses who have travelled some distance, so I think we will start.

SUBCOMMITTEE REPORT

The Chair: The first item on the agenda is the report of the subcommittee on committee business. That's attached to your agendas, I am advised. Has everyone had a chance to look at this? Are there any questions on the selections for review? No questions? No concerns? We don't require a motion if we don't have any concerns.

Mr Jim Wiseman (Durham West): About this time recommendation, consideration of one to two hours, I thought we all agreed that it would just be half-hour reviews for all those.

The Chair: It's a half-hour, I'm advised.

Mr Wiseman: Is that what it means?

The Chair: It's a misprint.

APPOINTMENTS REVIEW

Resuming consideration of intended appointments.

NEIL BULLOCK

The Chair: All right, fine. We'll move on to the next item, which is a half-hour review of the intended appointment of Mr Neil Bullock as a member of the Produce Arbitration Board. Mr Bullock, would you like to come forward and take a seat, please.

Mr Neil Bullock: Morning, gentlemen.

The Chair: Welcome. I'm sorry to keep you waiting. The process is a 10-minute assignment to each caucus to direct questions to you, and for your responses as well. You were selected by the Conservative Party. We don't have a representative here as yet, although I am advised he's on his way. I'm going to look to government members perhaps, if they are prepared to begin the questioning. Mr Wiseman.

Mr Wiseman: I'd just like to begin by asking, how did you come to know about this job?

Mr Bullock: I received a telephone call from somebody in the ministry who said the position would be coming available and they were looking for some candidates to fill it. They indicated that they felt I was qualified. As a company, we've decided over the years to try to stay involved in the industry, so I volunteered to accept the nomination and see where it took us.

Mr Wiseman: I understand you're the industry appointment, that you're selected for this board by the industry?

Mr Bullock: Correct.

Mr Wiseman: So you have a long history of working with the industry?

Mr Bullock: Longer than I care to admit, I think.

Mr Wiseman: Can you give us an idea of what you will be doing on the board and what qualifications you have that would allow you to be able to do this job effectively?

Mr Bullock: My understanding is that the board is to deal with any disputes that arise between producers, dealers, shippers or processors. They are not too frequent, I understand, but I think that my background, coming from a farm as a child and coming up through the ranks of a small produce company that has now turned into one of the larger ones in the province, selling and distributing the product for 186 growers in the province, which I believe makes us the largest 100% Ontario produce distributor in this province, gives me a pretty good background to be objective. I've seen lot of problems over the years and I've seen how most of them have been resolved amicably. I'm fairly aware of some of the unjust trade practices that can and do take place, so I don't think I come to this position very naïve.

Mr Wiseman: Do you have any ideas about what you would like to change about it, how you would like to make the board work more effectively or how the process of making the deals and so on could become more efficient, to the benefit of everyone? Do you have any ideas about that?

Mr Bullock: I think one of the major problems—I am not sure this is under the power of the arbitration board—with the legislation that exists in this province is that when a dispute does arise, particularly between a marketing board and a producer under that board, the legislation that's provided to the board to deal with a renegade grower, as we'll call him, lacks any teeth to be of any real effect.

1020

Mr Wiseman: What's a renegade grower?

Mr Bullock: One who chooses to circumvent the board or dismiss the regulations of the board, the problem being that the growers who generally choose to do that are of such a size that the financial penalty for going against the regulations is insignificant to them and the time taken to deal with any issue is so long that the crop that's being dealt with is probably harvested and out of the field and money collected and banked before it ever gets to the arbitration.

Mr Wiseman: Without using any names of renegade growers, could you give me an example of how it would work and what the board would be able to do, how the board would be involved?

Mr Bullock: In the case of the Asparagus Growers' Marketing Board, which has since disbanded its marketing function for fresh, the growers splintered off because the renegade situation wasn't dealt with, so the growers lost their faith in the marketing board. This was combined with the fact that the cost of operating the board appeared to be too high, so the board actually dissolved its function.

What had happened was that there were some growers circumventing the system in season, and if you understand the asparagus production in Ontario, it's only a seven-week production period at best, so on the second week of production, the issue was brought to force. By the time there was any reality of dealing with the situation, the asparagus crop was three months over, so you can see how ineffective the legislation is. It can't act fast enough, and I am not saying we can fix that, but this is the frustration of the legislation.

Mr Wiseman: I am a poor urban boy who doesn't really understand a whole lot about agriculture and how this works, so what did this renegade do? Did he just plug the market with—

Mr Bullock: No. The marketing regulation for the asparagus board was that all product had to be marketed through a one-day-of-sales operation handled by the marketing board. This grower chose to market it himself at below-board prices, so he broke the regulation stipulating that he had to market through the board so that his product would go into the provincial price pool so everybody would receive equal benefit for their product. He also sold below market price, which tends to put a downward price—the board loses credibility in the marketplace because, having said to the chain stores and the customers that there is one price, all of a sudden there are two prices.

Mr Wiseman: The effect on the producers would also be detrimental in that if somebody's putting it on the market below the price, then they may not be able to make money in terms of their own crop.

Mr Bullock: Exactly, because as soon as there is a cheaper price on the market that's available, the buyers tend to take that price and flaunt it to the other sources of product, and eventually it creates a downward pressure on the price unnecessarily. It doesn't always happen that way.

Mr Wiseman: One of the difficulties I read for the fresh produce producer in Ontario is that the major chain stores will make deals—year-long deals, 12-month deals in the US—and that creates a problem because our crops are seasonal and they have a difficult time putting it into the stores. Is that accurate or is that a misconception?

Mr Bullock: I would say not. They have their traditional suppliers and they have loyalties or commitments, if you want to call them that, with different suppliers both sides of the border.

The problem in Ontario, or in Canada you could say, is that the growers tend not to get organized enough to be able to supply the chains with the big volumes and continuity of supply they are looking for. Our organization is one of the few where we have a large grower base of committed growers that can put a chain store on a feature—put a big advertising promotion in the paper, because we

can assure them a consistent supply over a period of time and give them a forecast price three weeks in advance. The smaller growers can't do that, so by not participating in a large organization, they shut themselves out of that market quite a bit of the time.

Mr Wiseman: I don't know if this is a function of your board, but would you be responsible for trying to maybe organize a little bit more?

Mr Bullock: I don't think that's the mandate of the board at all.

Mr Wiseman: That would be another function of some other agency?

Mr Bullock: Yes. There's an organization in Ontario called Ontario Horticultural Marketing Services, which is a branch of the Ontario Fruit and Vegetable Growers' Association, that tries to promote grower interaction and get them to organize together.

Mr Wiseman: I have no further questions. Do any of my caucus colleagues have any?

The Chair: Mr Hansen, do you?

Mr Ron Hansen (Lincoln): No, I think he's covered pretty well all the bases.

The Chair: Very well. Mr Grandmaitre?

Mr Bernard Grandmaitre (Ottawa East): Thank you, Mr Chair. I'm a city boy, Jim, so following you will be easy, I guess, because our questions are not always pertinent to what farmers are expecting of us, but anyway.

Interjection.

Mr Grandmaitre: Thanks, Will. Tell me how free trade has affected producers and processors in Ontario.

Mr Bullock: Those are two separate issues. The processors have been affected dramatically, although my experience in the processing side is very limited. Processors by their nature are taking raw material and processing it into something. One of the big industries in Ontario, of course, was tomato paste, ketchup and fruit juice. They don't necessarily have to buy that as raw material, they can also buy it partly processed in bulk, and free trade has made it more attractive for them to buy some of that stuff across the border.

On the fresh side, the tariff barriers and duties on fresh produce were, with the exception of three items, tomatoes, broccoli and I think cantaloupes, never more than 50 cents a unit and they were never really a detriment to trade at all, even before free trade.

Harmonization of pesticides is probably one of the bigger issues in the free trade deal, in that the Americans are allowed to use some chemicals on their crops that we are not. Once they've used it, they can ship the fresh fruit into Canada and compete with ours. The growers are definitely at a disadvantage not being able to have the same materials available to protect their crops in the field.

Mr Grandmaitre: If you were the adviser to our Minister of Agriculture and Food, how would you advise our minister to not counteract but become more competitive?

Mr Bullock: That's a hot potato there, one I have an opinion on, though. Over the years the province and the

federal government have had several programs to subsidize Ontario growers. That's a bad word these days, but they've helped them out in bad crop years and sometimes they've helped them out in good crop years, even though it was perceived that they had a bad one. But they've always made the money available to individuals, which I've always thought was a mistake.

When the programs known as BILD grants were on back in the 1970s, Quebec had one differentiation in its policies, that it only made the moneys available to growers who would organize in groups. Because of that, they've developed a very strong grower base there, with organized groups, cooperatives and one-day-of-sales operations with several growers, and they are hurting Ontario now, because they are in a better position to supply the chain stores with continuity of supply and forecasts of price.

Giving it to individuals, there's many cases, and I'm sure they've been documented since, where growers who really had no business getting money, who were actually only part-time growers or first-time growers, got the money and just wasted it away. It did no good for the industry whatsoever.

I think reactive subsidies to growers to bail them out is a mistake. I think proactive injections of funds that encourage growers to get organized and strengthen their position in the market to make a better industry is where the money should have gone. I understand that this kind of money is not available now, but my opinion is that it was misdirected in the past.

Mr Grandmaître: Do you think we should be spending more money or investing more money in research?

Mr Bullock: Yes and no. I think research is important, but in Ontario the research has fallen behind the rest of the world. For example, in the greenhouse industry, the research being done in Ontario is probably reinventing the wheel that took place in Holland two years ago. The most progressive growers in this province in the greenhouse industry go to Holland, sequester the technology that's been developed there, bring it here and they're two years ahead of their government's research here. I think the research will continue, but I think there should be some kind of system in place where they access the research that's been done elsewhere in the world, especially when it's well known that the research is there.

1030

Mr Grandmaître: Having said this, do you think our producers and processors in Ontario are slipping as far as keeping up with the first-class technology or research is concerned?

Mr Bullock: They're doing both. I divide the producers in the province into growers and farmers. They're both the same thing from the street, but if you get into the management of the farm, the growers are the people who are running farms as a business. Farmers are people who are still just farming by the seats of their pants, and those people are sliding and they're sliding fast. The people who are organized to run their farms as businesses are making good money. They're putting out the kind of numbers; they're

organizing. There's a future for agriculture in the province, but there's not a future there for everybody.

The Chair: Mr Jordan, do you have any questions for this witness?

Mr Leo Jordan (Lanark-Renfrew): As you know, I am just becoming sort of briefed on the purpose of this. You're being appointed to this arbitration board?

Mr Bullock: I've been nominated.

Mr Jordan: I'm trying to acquaint myself—you've been nominated. Do you make application to serve on this arbitration board?

Mr Bullock: No, I was approached by the ministry to see if I would be interested in serving.

Mr Jordan: Is that the normal procedure for selecting members of the board?

Mr Bullock: I couldn't tell you. I don't know what the normal procedure is.

Mr Jordan: Is there any public advertisement of people who would like to serve on these boards, or are they approached and selected as you've indicated here?

Mr Bullock: I don't know.

Mr Jordan: Perhaps I'm repeating what you've already said. Have you reviewed your personal qualifications to serve and be part of the board before I came in?

Mr Bullock: Briefly, but I don't mind recapping. You can see by my résumé the involvement I've had. I grew up on a farm as a boy and worked my way from there. I had a brief stint in California when I thought there was obviously a better way to make money, but there wasn't—and here I am again. But I've seen a lot of ups and downs in the industry, and I've seen a lot of the kinds of games that can be played in the industry. There's not much out there that would surprise me, and I'd like to think I could be very objective about anything that came on the table before me.

Mr Jordan: What types of things do you expect to find coming on the table to make decisions on?

Mr Bullock: From what I see going on in the industry now, I would think that most of the things that are going to hit the table in the next few years will be board-related, marketing board problems, because those are the areas where there seems to be a fair bit of friction, between the people who are handling the product and the people who are producing it.

Mr Jordan: Can you clarify that for me? There are too many people—

Mr Bullock: No, there's a lot of dissension in the ranks. Some of the people within the marketing boards, even though they may have voted for them previously, are starting to feel that marketing boards are either costing them too much money or are operating ineffectively; partly because when there are growers within the system who don't abide by the regulations, it seems the legislation isn't strong enough to deal with them. When somebody breaks the rules and gets away with it, it tends to break down the system, and that's what's been going on.

Mr Jordan: Is this the result of a consolidation of growers into larger operations? Are these the people who tend to ignore the board and go their own way?

Mr Bullock: Within the board there are people who are entirely committed, there are people who are opportunists, and then there are people who sit on the fence and kind of go with the flow. It seems that most growers, if you get them in a room, agree in principle with the function of a marketing board; they understand the whys and wherefores, why it works, why it has to work, and they'll vote for it. When it's actually implemented, there always seems to be a certain number of the rules and regulations they disagree with, which creates minor friction, but when somebody breaks one of the larger regulations and it's not dealt with, then the people who are sitting on the fence tend to go the other way.

This is what we're seeing now. The Ontario asparagus growers' marketing board has completely disbanded its marketing function of fresh because of that: lack of grower support. The Ontario Greenhouse Vegetable Producers' Marketing Board is shaky; it almost went bankrupt last year. They seem to be coming back financially but there still seems to be an awful lot of internal conflict.

Mr Jordan: These problems would seem to be as much internal to the board as they are to the growers who are abusing or ignoring the board.

Mr Bullock: It's a big concern for the board because, in their own words, they're getting very frustrated as to how they deal with these problems. They have the regulations in place, but the penalties aren't significant enough to really discourage any major producer from breaking the rules.

Mr Jordan: I think I heard you mention that the future of this industry, if I may call it that, is not too good for the person referred to as a farmer but there's money to be made by the grower. When you say that, are you stating that the farmer is a mixed farmer, that he has other—

Mr Bullock: No. Really, it's not a good thing I did to define them that way. My definition of a farmer is a producer in the province who is maybe not capable in management skills, not doing his homework, whereas what I call the grower is a professional farmer: He's managing his farm properly, he's doing his research and he's prepared to go to market. I guess the difference is a guy who finds a market for his product, then buys the seed. The other fellow, the farmer, buys the seed, plants it, gets it ready for harvest and then worries about where it's going. That doesn't work any more.

Mr Jordan: So in that light, would you see the board as giving assistance or direction to the so-called farmer who is planting his seed and then it's ready to crop and he doesn't have a market?

Mr Bullock: Marketing boards make it feasible for the poor grower, the farmer, to survive, because whether he plans or not he's got an organization doing it for him. All he has to do is listen and the technology and the changes that are available to increase his production and quality are available there for the taking, because it's all available at the board. I'm not saying that boards are the

be-all and end-all, I'm saying organized marketing is, but not necessarily through marketing boards.

Mr Jordan: Is there any type of quota system in place?

Mr Bullock: Not in produce.

Mr Jordan: Should there be?

Mr Bullock: No.

Mr Jordan: You believe in the free market.

Mr Bullock: Yes.

Mr Jordan: Are there any field representatives who go to the actual producer site or farm site?

Mr Bullock: Within the marketing boards?

Mr Jordan: Yes.

Mr Bullock: No, financial restraint prohibits that. They don't have the funds available to be hiring. They've actually been cutting down on their staff trying to keep things running as smoothly and cheaply as possible.

Mr Jordan: In what three main areas would you see that the board could guide the producer or the grower or farmer? In what three main areas could he limit his production costs?

Mr Bullock: Are you talking about the arbitration board?

Mr Jordan: Yes, from your point of view.

Mr Bullock: I don't believe that's within the mandate of the arbitration board.

Mr Jordan: It isn't?

Mr Bullock: No, I think it's just to deal with disputes. I think what you're talking about is covered by the Farm Products Appeals Tribunal. The Farm Products Grades and Sales Act deals with that.

The Chair: Mr Wiseman has a quick question.

1040

Mr Wiseman: It arises out of all the conversation this morning. One of the comments you made was about the length of time it takes for the board to make a decision. Can you see any procedures or regulations or any way it can be changed so that decisions can be made much more quickly so they're more relevant and will avoid what you've described as a very negative factor, in terms of marketing boards continuing to exist and penalizing people who break the rules?

Mr Bullock: I'm not well-versed enough to know all the ins and outs of that, but I know the Ontario Fruit and Vegetable Growers' Association is lobbying the government now to try to get some changes made which they feel will strengthen the legislation. I don't know how far they're getting but I know they're working diligently on it.

Mr Wiseman: Would it be fair to say that you really feel the success or failure of some of these boards is going to be based on how fast you can make decisions?

Mr Bullock: That and the financial capability of pursuing the cases. The thing that almost broke the greenhouse marketing board was legal actions it was taking against the renegade growers.

The Chair: That concludes the questioning, Mr Bullock. Thank you for appearing here this morning. We appreciate it and wish you well.

STUART MEDD

The Chair: The next witness is Stuart Medd, an intended appointee as a member of the Travel Industry Compensation Fund Board of Trustees. Welcome to the committee, sir. You're familiar with the process. You are selected for review by the Conservative Party. Mr Jordan is a substitute this morning. I'm going to change the rotation so I can give him an opportunity to become more familiar with the issue and the matters we're discussing, and look to a government member to begin the questioning. Mr Wiseman, do you want to lead off again?

Mr Wiseman: To begin with, how were you selected to be nominated for this position?

Mr Stuart Medd: I'm involved in an organization called the Canadian Association of Tour Operators. Until now, a member of our association has been a trustee of the Ontario Travel Industry Act. His time is up, and I believe he recommended that my name be put forward to be a trustee. I was then asked by the ministry if I would allow my name to stand, and I consented.

Mr Wiseman: So you're nominated by the industry.

Mr Medd: Technically speaking, I was nominated by the ministry. My name was put forward by the industry.

Mr Wiseman: That's fair enough. The travel industry compensation fund sometimes takes a pretty good beating when something major happens in the travel industry, for example, when a major tourism company folds. Do you feel the money paid into the fund is adequate, that it provides enough insurance for travellers?

Mr Medd: I would answer that by saying there has been until now a ceiling on the fund that would be payable for any failure. That ceiling has been increased, depending upon the amount of the failure. Is there enough money? Right now there's not. The fund does not have sufficient funds. I believe the fund is operating on a line of credit secured by the provincial government. I don't know whether that answers your question, but I believe the consumer should be protected and that there should be a fund to protect the consumer. We as an industry pay into that. Right now it's depleted.

Mr Wiseman: Is there any other way it could be done, maybe buying travel insurance or something, other than through this kind of fund? Should it really look like this?

Mr Medd: Again, I believe the fund and the regulations are currently under review. I can't speak on the insurance aspect, but presumably, yes, a default insurance could be purchased. There could be a user-pay system or there could continue to be an assessment of the registrants who're registered under the act. I believe there is more than one way, yes. I'm not sure from a legal or practical standpoint how sound those other ideas are.

Mr Wiseman: This question is of a specific nature. I don't know if you can answer it or not, so just feel free not

to. There is a case where a person would buy a first-class travel ticket to Europe and then the airline would bump them from first class and they would travel third class but there would be no refunding of the difference. Would your tribunal be responsible for reviewing that or trying to help solve that problem?

Mr Medd: That would be totally out of the realm of the trustees under the act. That would be basically a commercial practice on the part of the airline involved. But no, this group of trustees purely administers the compensation fund.

Ms Jenny Carter (Peterborough): I was just wondering about the general state of the travel industry at the moment and how the recession has affected it. I also have in mind my own feelings when a few years ago we were in Cuba and the airline we'd gone on collapsed while we were there. Different people's holidays were affected in different ways. Some had holidays that were shortened, and there were periods of uncertainty and so on. It seems to me that even if that kind of event is ultimately covered, nevertheless people are going to think twice about committing themselves to trips if they're worried that this kind of thing might happen. I'm just wondering about that aspect of it.

Mr Medd: I'll answer the first part of your question first, on the state of our industry as we see it right now. Certainly the travel industry has been impacted negatively by the recession. If we believe what we hear, we are starting to recover from the recession. Last year was particularly bad because the woes of the recession were compounded by the Gulf war. I don't have to tell you that it literally stopped travel to some regions of the world. We had a double hit last year in the industry.

Certainly, speaking on behalf of the tour operators whom I'm basically familiar with, we are in a recovery mode right now, very definitely. I think I can confidently say that every operator improved dramatically from the previous year. But that was to be expected; there is no Gulf war this year. That's not to say we've recovered. With the last recession, in 1982, it took our industry as well as others probably three years to recover. Why would we think this time around it's going to be any different? We're in a recovery stage right now but the industry by and large is doing better.

Ms Carter: Would you say there's been a shakeout of the weaker firms and that the ones that are in there may be more secure now?

Mr Medd: There will continue to be; I would say so. Our business is no different from any other in that the strong will survive. There are certainly people within our industry who are taking steps to vertically integrate and do all the other things that will ensure their survival.

As to the second part of your question, in the event of a failure, people's holiday plans are disrupted. That's very definitely true and that's very unfortunate. But Ontario is almost unique—I say almost unique because there's a similar act in the provinces of Quebec and British Columbia. The alternative would be that the holidays would not only be disrupted, but that the consumer would lose his money.

Under the Ontario Travel Industry Act and our compensation fund, in the event of a failure there may be some changes, but generally speaking, the person will get his holiday, albeit altered somewhat. More important, he will be able to get his funds back, which will allow him to rebook a holiday. I think that's the important aspect. We will never, ever have a fund or an act that will protect the consumer against the variables of business. I know. I bought a carpet two years ago. Before it was delivered, the carpet dealer went out of business. There was no fund. I lost my money. In the travel end the consumer is very fortunate.

1050

Mr Robert Frankford (Scarborough East): I think this has actually been touched on, but perhaps you could clarify it. International airlines are essentially excluded?

Mr Medd: They are excluded. They do not have to pay in the fund; yes, that's correct. I believe the rationale behind it is that they are a federally regulated group, the international and even the domestic carriers, so therefore they do not pay into the compensation fund. Therefore, theoretically there is no protection offered to consumers who have booked with the international airline that may fail.

Mr Frankford: Have you had any thoughts about whether something should be done about this or can be done about it?

Mr Medd: We get into a very grey area, and as I say, the act and the fund are currently under review. My association has a view that we, the registrants, who pay into the fund cannot afford to pay for protection against the failure of a foreign supplier. I mean, God forbid, none of us ever expected Pan American Airlines to go bankrupt. The impact on our fund could've been huge if we had been required to protect the consumer who may have booked directly with Pan American, or booked with any other foreign carrier.

My view of the fund is that it should be there to protect the registrants and the consumer should be made aware that if he is buying through a registered travel service supplier, then his funds are protected. If he does not buy through a registrant, then his funds are not protected. Frankly, if we don't do that then we may be too open-ended at the other end. It's not a taxpayer or a government fund; it's an industry fund. I'm not sure that we can afford to insure the world.

Mr Frankford: Do you think that recreational or business travellers are sufficiently aware of this? Would they be willing to insure themselves, or is it not worth insuring?

Mr Medd: Again, we get into an area where I believe the consumer out there believes that his funds are protected, period, for anything to do with travel. I believe that's what the consumer feels. That's not the case. We as an industry should probably do a better job of informing the consumer. I say, "We as an industry," but also the government as well because it's a government act. We should probably inform the consumer better, but certainly when we now move to review the act and review the coverage of the fund

we will be left with something that is pretty cut and dried. Then I think it's our job to make the consumer aware.

If the consumer wants protection for his funds on a non-registrant, I know one of the things we're investigating right now is default insurance. For example, if a consumer walks into a travel agency and books 10 seats on Air Timbaktu, the travel agent will probably say: "We want to make you aware that we do not cover your funds in the event of the failure of Air Timbaktu. However, we have insurance you can purchase for \$5 per person that would protect you."

The Chair: Mr Medd, I'm going to have to jump in there and move on to Mr Grandmaitre.

Mr Grandmaitre: I agree with you that the recession has affected our tourist industry and curtailed some of our travelling habits. Let's go back to the travel industry. You will recall that four or five years ago this province was booming and a lot of companies were going bankrupt. Were there any reasons for those bankruptcies five or six years ago? Were there too many travel agencies or too many wholesalers in Ontario? You'll agree with me that we had some very serious bankruptcies in this province.

Mr Medd: Unquestionably I will agree with that. I don't think they happened at any one moment in time five years ago. We had one as recently as two years ago, but they have been interspersed. I suspect that's a product of perhaps overcapacity or not-well-run businesses or underfunded businesses as times change. I'm not being flip, but I don't recall there being a great number of them at one time five years ago. We've had a number of very serious failures over the past 10 years and I've been personally involved in assisting the ministry in the administration of those failures. You're absolutely correct; they were very serious. If I had to analyse the ones I was involved in, I couldn't come up with any single or common reason that they failed. I believe each of them failed for different reasons—too rapid growth—a lot of different reasons.

Mr Grandmaitre: Too rapid growth?

Mr Medd: That was in one case. In another case it was just simply not fulfilling their risk agreements and failing as a result—no common reason, but each one of them differed, the same as any other business.

Mr Grandmaitre: Do you think the ministry could have done a better job of supervising? I'm going back five, six or seven years.

Mr Medd: I guess in hindsight the question can always be asked: Gosh, why did they fail when they failed, and could someone have prevented that? I don't think the ministry is in the business of keeping people in business. I think they are there to monitor the business.

Mr Grandmaitre: If they're going to charge a fee, you have to be registered—

Mr Medd: Yes.

Mr Grandmaitre: —so they have a responsibility.

Mr Medd: And there are financial criteria to be registered as well that they do monitor through periodic audits and that type of thing. In my personal opinion, with the failures I witnessed, I don't know that the ministry could

have moved in earlier or avoided those failures. I think they were simply business failures. I think they were on top of it in terms of how it was handled after the failure, and I believe that's part of their responsibility. In my experience over the last 10 years being involved with the ministry, it did a very good job in administering the failures to the least impact on the consumer. My belief is that this should be their role. We're involved in the consumer aspect here.

Mr Grandmaitre: I was interested in your comment about buying a carpet and losing a carpet for the lack of insurance. This program dates back how many years—15 years, 10 years? Why do you think it was started? How come that industry had to be protected or that consumer had to be protected and not you, the carpet buyer? Why do you think that industry was picked?

Mr Medd: Again, my personal opinion—and I was around when the act came in—is that I think we as an industry would be partly the reason. We were unable to police ourselves. We were unable to come up with our own industry fund that may protect the consumer. It's a highly visible business. When consumers' holidays and money on holidays are lost it becomes a very visible thing. I don't know the true answer to that, but it's an interesting question. I would accept some responsibility by saying we couldn't look after ourselves.

Mr Jordan: Thank you for coming this morning to discuss the Travel Industry Compensation Fund Board of Trustees. Is it correct that the consumer has to wait for a decision from the board to get his or her refund or compensation?

Mr Medd: Yes. My understanding of the process, and forgive me if I'm not totally knowledgeable about it, is that the board of trustees approves the payment out of the compensation fund.

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Mr Jordan: And this is time-consuming.

Mr Medd: It can be, depending upon how quickly the documentation goes in. My experience is that it is not unduly time-consuming. For example, in one aspect, the fund covers the refund of moneys paid for a vacation, but if there's a business failure while a consumer is out of the country the fund also steps in and covers the repatriation of that consumer. I can assure you that there's no undue delay in that area, because when we have dealt with failures, the immediate aspect of it is paramount. For example, if we have people in the Dominican Republic who are due to return this Saturday, and it's a Friday, the fund moves immediately to protect those consumers and repatriate them.

So there are the two aspects. Do they have to wait unduly long for their money? I don't think so, providing the documentation is correct. Does the fund move quickly in repatriating consumers? Absolutely, and has reacted extremely well to those.

The Chair: I have a supplementary on that. Relating to what you've just said, you mentioned a failure a couple of years ago. What company was it that failed?

Mr Medd: That was the Thomson failure.

The Chair: Okay. Constituents of mine were on a group holiday in Florida. I know many of them had to pay for their own return tickets. They were struggling with the ministry for over a year to get compensated for that additional cost. When the company failed, they were stranded, and they had to get back to jobs and what have you. They had to buy return tickets and one-way tickets back to Toronto, Montreal and so on. When you talk about speedy compensation, my own experience in that one particular instance was that it was anything but speedy and it was a real hassle for most of them to eventually receive compensation.

Mr Medd: I certainly am not aware of that individual situation. If a consumer is required to return, for example, and maybe can't wait to take advantage of what the ministry arranges in terms of return transportation—for example, if they were due to return Friday and the ministry secured return transportation for the large group on Saturday and someone couldn't do it and chose to pay his own way back—then they would have to make a claim against the fund through the proper channels. Yes, that would be more time-consuming. I don't know how time-consuming. You say they had to wait up to a year. I'm surprised; I don't know why that would happen.

Mr Jordan: It states a consumer is not entitled to make a claim when he or she has been provided with alternative travel services. Again on that subject of being stranded, if the alternative service pleases the majority, is that how it's accepted?

Mr Medd: I'm not sure specifically what you're referring to.

Mr Jordan: For instance, if I was supposed to come back on Friday, but you're going to get me home on Saturday and that doesn't suit; I have to be home Friday night.

Mr Medd: When you're dealing with a failure, you deal with logistics. If there are 500 people in the resort and you can secure two airplanes to go down and pick them up on a Saturday as opposed to a Friday—if you simply can't get the equipment—then there may be some alteration. That could happen, yes. If they must return, then certainly they're allowed to claim against the fund. That's my understanding.

Mr Jordan: Is there any direct settlement with the consumer? Does it always have to be done through this fund or through the board of trustees?

Mr Medd: It's direct with the consumer when they're dealing with repatriation. The board has a responsibility at the time of a failure to be present and protect the fund. I guess the fund deals directly but indirectly with the consumer in returning him to Ontario. Does the person in the resort reach out and touch the fund? No, but the fund deals immediately with the situation to return him. The claims against the fund are made through the registrant and it has to be made to the trustees. There's a process, that the trustees must approve all payments. In the case of Thomson, for example, they approved a \$5-million payment to I'm not sure how many consumers, but they gave bulk approval. It wasn't an individual thing involving 5,000 consumers; it

was a \$5-million payment out of the fund that was approved.

Mr Jordan: Which is a maximum.

Mr Medd: Yes.

Mr Jordan: Is the travel agency something the consumer should check before doing business with, that it has paid its compensation to this fund?

Mr Medd: If they have not paid their compensation, they're not allowed to be registered, or their registration is withdrawn and they're not licensed to be in travel. There is a licence that is displayed prominently in the place of business by all registrants. It would be very unusual for a consumer to walk into a travel agency that was a non-participant in the fund, because he participates in the fund only if he's duly registered.

Mr Jordan: I was thinking of these last-minute clubs that operate.

Mr Medd: They are all duly registered under the act.

Mr Jordan: They are.

Mr Medd: Yes, and pay into the fund accordingly.

The Chair: Thank you, Mr Medd. We appreciate your appearance here this morning and responding to the questions. We wish you well.

Mr Medd: My pleasure.

BING WONG

The Chair: The next witness is Mr Bing Wong, who is an intended appointee as a member of the Durham Regional Housing Authority. Welcome to the committee, Mr Wong. This review is a selection of the government party, but as Mr Jordan and I have to attend a brief press conference in a few minutes, if no one has any objection I'm going to ask Mr Jordan to begin, if he has any questions of this intended appointee.

Mr Jordan: Thank you, Mr Wong, for your attendance this morning. I'm always interested to know how the applicants for these boards or authorities become interested in them. In some cases, someone has approached you; in other cases, there are different forms of obtaining suitable people for them. Could you give us how you became interested?

Mr Bing Wong: I was approached on two separate occasions by my member of provincial Parliament, and on the second occasion I agreed to stand for nomination.

Mr Jordan: What were three of your main qualifications to be a member of this regional housing authority?

Mr Wong: I have 16 years of community development experience. For the last eight years I have been working in the co-op and non-profit housing sector. I have the ability to work cooperatively with many people.

Mr Jordan: In the Durham Regional Housing Authority, are there enough housing units required to meet the demand at present? Do you have knowledge of that?

Mr Wong: Some knowledge, somewhat. I work as a consultant in the co-op and non-profit housing development field, and on behalf our clients making submissions to the government for funding of new projects I am in

touch with the Durham Regional Housing Authority for what they call CHUMS, the community housing unit management system data report. Essentially, they are statistics maintained by the housing authority of the numbers on its waiting list. As I recall, the January 1992 numbers show roughly about 1,000 people in the region waiting for affordable housing units.

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Mr Jordan: Are the people using these housing units generally people who need subsidized housing? Is that screened pretty well?

Mr Wong: These thousand people or households essentially are the people in the most desperate need. The housing authority maintains its list based on applicants who meet its selection criteria. It has priority rating systems, so these people really are in the most desperate categories.

Mr Jordan: Have you been involved with any of the committees relative to the construction of these housing units, like preparing and tendering and so on?

Mr Wong: Yes. My current job is development consultant for a non-profit and cooperative housing corporation. I work on the development side at the moment that is essentially involved with searching for property and negotiating with contractors, really the actual physical construction of the buildings.

Mr Jordan: I wonder if you could shed some light on the information I have, that the cost per unit for one of these housing units is much higher than a similar construction project in private enterprise. Have you any comments on that?

Mr Wong: The Co-operative Housing Association of Ontario recently commissioned a study by the Starr group that compared the cost of developing social housing units with private sector development. In its findings, the costs are comparable. I guess the area where the costs may differ is the amount of time the private sector has held land in the development process; therefore, the only differentiation is that the private sector has the resources to hold land and speculate on land and then eventually develop it when it suits its economic needs or requirements.

Mr Jordan: What percentage of cost of the non-profit housing unit would you relate to government administration and that type of overhead cost?

Mr Wong: Is that on the operating side or on the development side? There are separate budgets drafted for projects, as we shall see.

Mr Jordan: On both. But from the time you start the project, there are a lot of people involved in non-profit housing.

Mr Wong: Yes, there are.

Mr Jordan: Are all those costs added into the comparison when you are making it?

Mr Wong: On a 100 percentile basis, the land will usually average. Land and other costs—charges, levies and fees and everything—usually work out to about 20% of the cost. Construction is roughly about 55% or 60% of the

cost, and then there are other permits and fees, professional charges and consulting fees; they are roughly about 10% of the cost. I guess the rest usually adds up to about 1% or 2% basically for the administration aspects.

Mr Jordan: From your experience, would you feel we should be, in conjunction with the government, leaning more towards private housing for these tenants who require this rate of subsidization?

Mr Wong: Are you referring to the rent supplement programs?

Mr Jordan: Could more of these housing units be provided by private enterprise rather than tying up the capital of government? We are short of money now in government.

Mr Wong: There are some units, I understand, that are provided as public housing through arrangement with private landlords and developers through the province's rent supplement program. This has gone on for the past 10 or 15 years, I'm told.

There have been studies to compare the cost-effectiveness of the rent supplement program, ie, providing social housing units through the private sector and also developing non-profits and independent cooperative housing corporations. In the short run it may be cost-effective for public policy for government to make arrangements with private landlords, but that's only if market conditions are favourable; that is, there is a glut of vacancies and rents are fairly stable. But once in times of short supply, the units will be more and more sought after and the rental prices will go up.

Therefore, the overall control of the costs that are associated with a rent supplement program are not as cost-effective over a long term. Over the long term, non-profit and cooperative housing corporations, once they are built, are able to maintain their costs a lot more reasonably. There is some measure of control. So over the long term, studies have found that the cost-effectiveness of non-profit and cooperative housing projects is better. Studies have been in the United States as well as by CMHC and David Hulchanski, who is professor of planning at the University of Toronto.

Mr Jordan: When you say "non-profit housing"—I know we use the term in a blanket way—how do you define this non-profit housing?

Mr Wong: Non-profit is not for profit housing. Essentially it's either autonomous or part of the public housing stock. The operation of the housing project is on a not-for-profit basis; that very thing is on a cost-break-even basis.

Mr Jordan: So if we as the government had \$1 million invested in non-profit housing, would we not be entitled to, say, a 10% return on the people's money back to the government?

Mr Wong: I think government is involved in housing as a social service, not really on a profit motive or basis. The idea of the government's involvement in housing is really in the socialist view. I believe if the government were not involved, then the housing stock would run into short supply. If you're having a housing crisis like we had

about five or six years ago, the private sector is not prepared to build any more private rental stock, given the economics, the difference between economic rent and the market rent that's there. The gap is too wide. The tax incentives are no longer there for the private sector. Really it has no motive whatsoever to get involved in large-scale private rental housing.

Mr Jordan: Maybe this isn't a fair question, but don't you think it would be wise for us to provide a climate and an incentive because this non-profit housing is getting to be a fast-growing industry in Ontario?

Mr Wong: There were incentives with the National Housing Act back in 1945 and in the early 1950s and early 1960s with the limited dividend program. The federal government provided interest-free loans to the private sector to develop private rental stock. In the terms of agreement, over the number of years for the loan the private landlord had to supply a number of units within his project for one-supplement units. But there was really a lack of controls and mechanisms, so that a number of years after the projects were built and developed, more often than not a number of these projects were sold, and then the new landlord would pay the old landlord the mortgage money or what was outstanding, and in turn he repaid CMHC and the obligation was gone. So there was really no mechanism to keep those affordable rental stocks in the marketplace.

Ms Carter: It seems to me that you have a great deal of relevant experience, both professional and voluntary. You've been eight years in social housing development and management, and you've worked in federal and provincial non-profit housing programs. Currently you are a volunteer director of the social planning council in your area. I'm just wondering what value you feel that brand of experience will have in your new function.

Mr Wong: I'm approaching this possible appointment really from a community development point of view. My interest and emphasis always has been in community development areas, essentially people working together to improve their communities. When I discovered the co-op housing sector movement, it fit in very nicely with what my beliefs are. I've learned about the program in working with the people in the community. I'm also aware that currently there is a movement afoot, a change in direction which started recently, of getting more tenants involved in the management of the local housing authority.

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Ms Carter: I was going to ask you that too, yes.

Mr Wong: This interests me greatly and I like to be involved in that type of environment, situation, where positive change can be effected.

Ms Carter: Do you feel that the point of view of tenants is not sufficiently taken into account?

Mr Wong: Not in the past, no.

Ms Carter: That's something that you want to change?

Mr Wong: That's essentially the difference between really cooperative and non-profit housing. I guess I'm really showing my bias for cooperative housing in that it's a

system and structure that allows the people who live in the housing project to have control over their lives and the communities in which they live.

Ms Carter: They are the ones who are using the amenities so they're the ones who need to be listened to?

Mr Wong: Yes. I think they know the operational problems a lot better than the outside administrator or people sitting on a board of directors, who really have no physical contact or experience with the communities they are managing.

Mr Will Ferguson (Kitchener): This is a volunteer position, correct?

Mr Wong: Yes, sir.

Mr Ferguson: Will you be receiving any honorarium for this position?

Mr Wong: No, sir.

Mr Ferguson: Essentially you want to serve the people in this housing authority out of the goodness of your heart and your interest?

Mr Wong: For interest.

Mr Ferguson: Obviously you are not doing it for the money?

Mr Wong: No.

Mr Frankford: I'm from the neighbouring area of Scarborough East and we have a significant amount of public housing there. Could you tell me, what is the image of public housing in Durham, both by residents and by the general public?

Mr Wong: The public image is an area that can be improved, mainly because I believe some of the public housing stock is associated with the Ontario House Corp and then the images are tied in and associated with larger projects in the Metro area. Physically, I think the problem is that the housing stock is aging. Proper maintenance and everything else has to be kept up, sort of has to be maintained.

I think because the area is maybe not as well maintained ordinarily, the image is fairly bad. Additionally, because the housing stock is aging, so are the tenants who are currently living there, and currently whether there is compatibility or not with respect to the housing stock and the people who live there is something that people have difficulty coming to grips with.

Mr Frankford: Your job in this position will not really be to develop new buildings, but it will be around the maintenance and the conditions of life in existing ones?

Mr Wong: Yes. I understand it's related to the management, which relates to property management or maintenance related to tenant selection, community development and improvements and maybe just overall general management.

Mr Frankford: Can you give us some idea of how you would like to encourage that, what practical thoughts you've had on how to develop tenant participation?

Mr Wong: Tenant participation: I am informed they are different from local housing authority to local housing authority in the province.

I worked with one of the staff members of a housing authority on another committee, the subcommittee of the Social Planning Council of Metropolitan Toronto. We exchanged notes fairly regularly and she tells me that Durham Regional Housing Authority is more progressive in that respect, that it is involving some of its tenants on its board, but also it is starting sort of tenant committees within the individual project which will provide some type of information input to the board regarding the committee atmosphere and spirit that will try to be developed in these projects.

Mr Frankford: Are you aware of the proposal to go as far as to actually convert, maybe on a trial basis, some public housing rental stock to co-op?

Mr Wong: Not in the Durham region. I've read that they are experimenting with some of those conversions in the Toronto area.

Mr Frankford: I don't know if they've gone so far as to do it, but you would favour the idea, would you, I gather?

Mr Wong: It may be one method for the province to divest its involvement in the public housing projects that are still around. I think philosophically I'm agreeable. I support that, because it then provides the people who live in those public housing projects more control and more interest in their communities.

Mr Hansen: Mr Frankford has taken quite a few of the questions I was going to ask. The longer he talked, I ran out of questions, but I do have a couple.

I've been involved since about 1975 with co-op housing and the starting place in Welland. With new ideas coming up—and it looks like you have some ideas—I've always had the feeling that maybe there could be a little bit more cooperation between private and co-op in the sense that when a co-op is being built, it doesn't always have to have the same image. It could be commercial downstairs and apartments upstairs. So in a complex, the commercial establishments down below could be rented out for market rents. Do you have any ideas on this or other ideas upcoming? This will be changing constantly as the world is changing, as Ontario is changing. Have you got any comments on the remarks I've made?

Mr Wong: If co-ops could be developed outside the various federal and provincial programs—more provincial now than federal, because the federal government has just withdrawn its involvement in the federal co-op housing program—then I could see this type of development taking place or starting to happen to a certain respect. The idea of cooperative industrial spaces or condominiums is really an indication of that. But to try to mix the use of residential and commercial developments in a single project, where the project is funded by government programs, the administration is very nervous of the separation. We have in the past incorporated day care centres and things that are community-based facilities in projects, and we believe that has worked well.

Mr Grandmaitre: Just a few short questions: I believe in social housing programs and also the co-op housing program. I always feel somewhat sorry for municipalities that are adamant in turning down more social housing in their

municipalities. Do you think the government should be much more forceful in imposing a quota of social housing units in municipalities? Some municipalities are simply not doing their fair share.

Mr Wong: There is a policy directive statement from the Ministry of Housing regarding—

Mr Grandmaître: Yes, 25%. Do you think the government should be much more forceful? They are not responding to the 25%. Do you think government should go further?

Mr Wong: That's really a political decision.

Mr Grandmaître: What are your thoughts? You're not running.

Mr Wong: Essentially it's the jurisdiction of the province and the municipalities. You're asking whether the province should carry a heavy hand or not. I think the province and the municipalities should work together. The province does fund municipalities to undertake municipal housing statements, which really gives it an overview snapshot of the housing stock and housing conditions within municipalities. Given the bilateral and trilateral relations that exist in this country, to enforce is something that can be a very sensitive issue.

Mr Grandmaître: You should run for municipal councillor. You'd do an excellent job. Thank you and good luck to you.

The Acting Chair (Mr Jim Wiseman): Thank you for appearing here this morning.

1130

JOHN WHITE

The Acting Chair: Our next candidate for review is Mr White, intended appointee as member of the Crown Employees Grievance Settlement Board. Could we begin with the government party and some questions to Mr White on the grievance settlement board.

Mr Ferguson: Mr White, could you tell us why you're interested in applying for this appointment?

Mr John White: That's a good question. Recognize that I have been involved in the labour movement for more years than I care to remember; have done a great deal of arbitration; am concerned about the delay in getting arbitration cases heard and hope that by adding myself to that committee more grievances and arbitration cases will be heard. Those are primarily the principal reasons.

Mr Ferguson: Could you advise the committee how you feel your labour or professional background will assist you in your deliberations.

Mr White: I'm currently instructing workers on how to handle worker compensation appeals, have been an instructor for approximately 25 years and instructed workers on how to handle arbitration cases. I certainly have the background. I have presented any number of arbitrations myself.

Mr Daniel Waters (Muskoka-Georgian Bay): Nice to see you again, Mr White. I believe we met during the standing order 123 consideration of the Workers' Compensation Board. As soon as I saw you, I knew the face, but

I'm lousy with names. For your information, we are expecting an interim report from WCB on that within a month.

Coming out of the private sector where you use settlement officers extensively, do they use them in the public sector as much?

Mr White: Not as much.

Mr Waters: Would you see that as a way of intervening at a lower level that the public sector should really pursue?

Mr White: Yes, the grievance settlement officer proposition is a good one. A lot of grievances are settled at that level.

Mr Waters: In 10 years, I think I ended up with two grievances that went to arbitration; the rest were settled there. I doubt if you can effect change within the union—I don't think you can on this—but it's my understanding in the public sector unions that a grievance can be carried solely by the grievor and that the union holds no right to that grievance. In other words, the union cannot decide to drop the grievance, as they can in the private sector.

Mr White: Not within CUPE, that I just retired from. What happens is that the representative would make recommendation to the executive, first of all, that a grievance not proceed to arbitration. The member's then advised of that decision and has the right of appeal. The member must be advised as to the date and time of the next general membership meeting and the right to appeal the decision primarily of the representative who, for one reason or another, is suggesting it not proceed.

Mr Waters: If membership says, "We suggest it proceed," it proceeds as it does in the private sector. I don't believe that to be the case necessarily with the Ontario Public Service Employees Union.

Mr White: No, but with CUPE that's the case.

Mr Waters: You feel there should be intervention at a lower stage. Do you see that we have to change somehow the way we deal with the grievance procedure, as in sole arbitrators? Do you think that's the way to go? There's a lot of different models out there. I understand, especially in the public service unions, that there is a major backlog of grievances, some dating back several years, that have never been heard and which create a lot of frustration between employer and employees. Could you comment on any way of resolving this so we get on with the job at hand?

Mr White: First of all, that if we had more qualified arbitrators, that would help. I phone Ross Kennedy, Howard Brown or Kevin Burkett, and they're lined up until 1994 currently.

Mr Waters: Yes, Mr Burkett in particular.

Mr White: Exactly. So you're waiting a year just to get an arbitrator, and that's one of the major problems. I suggest the other problem is that we certainly need to educate more fully our unions in taking what I would refer to frivolous grievances through to arbitration. I don't know that you can change the legislation any more than it has been changed. You have the grievance settlement officer

proposition, which I think is good. The problem is that there aren't sufficient arbitrators.

Mr Waters: So basically, unless we change the law, the best thing to do would probably be education of the fact that the settlement officer is available and by all means should become part of—in the private sector, I think it's section 35, is it? I can't remember where you used the settlement officer.

Mr White: It used to be section 45. They've renumbered the act and I'm not sure of the numbers any more.

Mr Waters: Neither am I, after a year. Thank you very much for your comments.

The Acting Chair: Are there any other questions from the government? Do you have any questions now, Mr Grandmaître?

Mr Grandmaître: No, I don't. Good luck to you.

Mr White: Thank you.

The Acting Chair: Then this hearing is concluded. Thank you for attending.

The next order of business for the committee is the determination on whether the committee concurs in the intended appointments reviewed this day.

Mr Ferguson: So moved.

The Acting Chair: I have concurrence moved. Any discussion? Seeing no discussion, all in favour? I see this is passed.

Motion agreed to.

The Acting Chair: Thank you. This committee stands adjourned until 10 o'clock next Wednesday morning.

The committee adjourned at 1138.

ERRATUM

Please replace the contents page in issue A-55 1991/92 with the following:

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

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 Carter, Jenny (Peterborough ND)
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 Frankford, Robert (Scarborough East/-Est ND)
 Grandmaître, Bernard (Ottawa East/-Est L)
 Hayes, Pat (Essex-Kent ND)
 Jackson, Cameron (Burlington South/-Sud PC)
 McGuinty, Dalton (Ottawa South/-Sud L)
 Marchese, Rosario (Fort York ND)
 Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)
 Wiseman, Jim (Durham West/-Ouest ND)

Substitution(s) / Membre(s) remplaçant(s):

Abel, Donald (Wentworth North/-Nord ND) for Mr Wiseman
 Brown, Michael A. (Algoma-Manitoulin L) for Mr Elston
 Duignan, Noel (Halton North/-Nord ND) for Mr Hayes
 Farnan, Mike (Cambridge ND) for Ms Carter

Also taking part / Autres participants et participantes: Marland, Margaret (Mississauga South PC)

Clerk pro tem / Greffier ou greffière par intérim: Carrozza, Franco

Staff / Personnel: Pond, David, Research Officer, Legislative Research Service

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

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Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)

Wiseman, Jim (Durham West/-Ouest ND)

Substitutions / Membres remplaçants:

Hansen, Ron (Lincoln ND) for Mr Marchese

Jordan, Leo (Lanark-Renfrew PC) for Mr McLean

Clerk / Greffier: Arnott, Douglas

Staff / Personnel: Pond, David, research officer, Legislative Research Service



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Appointments review

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 6 May 1992

The committee met at 1010 in room 228.

APPOINTMENTS REVIEW

Resuming consideration of intended appointments.

The Chair (Mr Robert W. Runciman): Come to order, please. We're a little late so I'd like to get under way now.

JUDITH SIMON

The Chair: The first witness this morning is Judith Simon, who is an intended appointee as a member of the Ontario Energy Board. Ms Simon, would you like to come forward, please, and have a seat. Welcome to the committee. This is a half-hour review. I'm sure you've been advised how the process works. We rotate between each party, each having 10 minutes to ask questions and you responding within that same time period. Your review is the selection of the official opposition, so I'm going to look to Mr Grandmaître to begin the questioning.

Mr Bernard Grandmaître (Ottawa East): Ms Simon, your past experience with the energy board makes you an expert, I suppose. We're not experts—far from it. Recently Ontario Hydro predicted a 44% rate increase. What do you think of a 44% increase over the next three years? You make recommendations to cabinet on those increases. Do you think they're reasonable?

Ms Judith Simon: I think the matter of rate increases would come before the Ontario Energy Board, and Ontario Hydro would bring forward its recommendations. If I were sitting on that panel, it would be up to me to weigh the evidence and to make a recommendation to cabinet on what the rate increases should be. I couldn't prejudge now on that increase. I really don't have any information on which to give you an opinion. I haven't seen the basis for their 44% increase, so I can't even offer you a personal opinion, other than that, as a consumer, it sounds high. Those are just my thoughts as a consumer.

Mr Grandmaître: Your recommendations on those rate increases are not binding on cabinet or Ontario Hydro. Do you think your recommendations should be binding? After all, you're the experts.

Ms Simon: I think that's a matter of government policy and it's up to the government of the day to make that decision. If the government decided that was the intended policy and asked the Ontario Energy Board for guidance, then I would be pleased to participate in that process if I had the opportunity.

Mr Grandmaître: But in a recent report you criticized the government for not accepting or paying more attention to your recommendations. What are your thoughts?

Ms Simon: I am not a member of the Ontario Energy Board; I'm a candidate for the Ontario Energy Board. I was not involved in any previous reports the Ontario Energy Board made. I did not sit at the hearings and can't comment on either the hearings or the recommendations. I haven't read them.

Mr Grandmaître: The Ontario Energy Board is a very important board. Do you think they should have as many powers as the Ontario Municipal Board, for instance? Whatever it recommends is binding. Do you think you should have the same powers?

Ms Simon: As I've said, it's a matter of the government making that decision. If you're asking me what my personal opinion is—

Mr Grandmaître: Yes, your personal thoughts.

Ms Simon: My personal opinion is, yes, I would like to see that the Ontario Energy Board be given that power. That's just my personal opinion and it's not based on any careful weighing of the issues. Personally that's my view.

Mr Grandmaître: As you know, the role of Ontario Hydro has changed dramatically in the last five years. Ontario Hydro has always been recognized as the provider of low-cost services, and now it seems like Ontario Hydro is being used to subsidize other projects. What are your thoughts on Ontario Hydro subsidizing other projects, for instance like Kapuskasing? I'm not saying I'm against the Kapuskasing deal, but what are your thoughts on the role of Ontario Hydro or Ontario Hydro being involved in such a deal? Do you think Ontario Hydro should be in the business of providing low-cost electricity, period?

Ms Simon: My understanding of Ontario Hydro's mandate is that it has a mandate to produce energy at cost that's safe and reliable. Certainly in the environmental proceedings I'm involved with before the Environmental Assessment Board, often the purpose has been to provide electricity in an environmentally sound manner. So I understand in certain cases that's Ontario Hydro's mandate, at least before the Environmental Assessment Board.

If I were to become a member of the Ontario Energy Board and the issue before the board was Ontario Hydro rates, my understanding is that the Ontario Energy Board looks at the social, economic and environmental implications of projects, but in terms of rates, there is a specific requirement in the statute that it be based on a rate base and a certain way of calculating that. The recommendation on Ontario Hydro rates would have to be based on the existing statute, so it would be limited in that regard. So my recommendations within the current legislative framework would have to respect that. If that were to change, then I would give those recommendations based on any changes that were made. I think the Ontario Energy Board

is restricted in how it deals with Ontario Hydro rates in the existing legislation.

Mr Grandmaître: Ontario Hydro has been described as a group of fat cats. I think the average salary is \$65,000 a year.

The Chair: That was three years ago.

Mr Grandmaître: Three years ago. We've just appointed a new chair and a new CEO—with added responsibilities, mind you—earning \$240,000 or whatever the salary is. Nobody really knows; we hear all kinds of figures being thrown around. Maybe some day when he leaves we'll know exactly what his real salary was. They've received salary increases between 3% and 5%, whereas everybody else is being asked to hold back on these salary increases from 1% to 2%. Do you think Ontario Hydro is so different that they qualify for 2% to 5% salary increases?

Ms Simon: As a member of the Ontario Energy Board, if I were to sit on an Ontario Hydro rate hearing, I imagine it would be appropriate in the current legislative framework to look at salaries, because salaries are a traditional operating cost and they would be a factor in what Ontario Hydro uses to set its rates. That being an economic consideration, I guess I would be in a position to review it. Personally, I've never investigated Ontario Hydro salaries or done any kind of analysis, so I don't know whether they are reasonable or not, either in the Ontario context compared with the private sector or compared with other utilities across the country. I do know as a civil servant, when I was with the Ontario government, Ontario Hydro did pay better, but I don't know if that's appropriate or not.

1020

Mr Grandmaître: If the average salary is \$65,000—you just said you were a former Ontario public servant, I'm sure you've never received a salary increase of more than 5%. Have you ever received a salary increase of more than 5%?

Ms Simon: If you include cost of living?

Mr Grandmaître: I'm not including cost of living.

Ms Simon: Actually, I have. I received a merit increase of greater than 5%, I believe, one year when times were good.

Mr Grandmaître: One year, and you remember that year.

Ms Simon: Yes, I do remember that.

Mr Grandmaître: If it's true that it is \$65,000, don't you think—I'm going back to the mandate of Ontario Hydro. I think Ontario Hydro has gradually, not overnight—and I mean this—over the last five, six, seven or eight years been forgetting what its real mandate is all about, and that has me very, very concerned.

The Chair: I'm sorry. That's it, Mr Grandmaître. Mr McLean.

Mr Allan K. McLean (Simcoe East): You're presently a member of the Ontario Hydro environmental advisory panel to the president?

Ms Simon: Yes.

Mr McLean: Will you be able to maintain that position, or will you have to quit that if you're accepted here as the appointee to the Ontario Energy Board?

Ms Simon: If I'm accepted here I will resign.

Mr McLean: Why did you leave the Ministry of Industry, Trade and Technology in 1989?

Ms Simon: For several reasons. The prime reason I left is that I was about to give birth, so I went on maternity leave. While I was on maternity leave, I thought about how I wanted to care for my child and, given my experience and background and the fact that I had always thought I would like to start my own business, that's what I decided to do.

Other reasons I left MITT were that I went to MITT because I had hoped to be in a position to promote the environmental protection industry and green industries, and I went to participate in the technology fund opportunities. I was very disappointed that any of the initiatives in that regard that I participated in didn't go anywhere; I became disillusioned and decided that after about 10 years of government it was time for a change.

Mr McLean: I observe from your papers that you've been involved in a lot of environmental assessments, policy developments and that type of thing, and you've done a publication with regard to the North Simcoe Waste Management Association landfill.

Ms Simon: Yes.

Mr McLean: What went wrong with those hearings into site 41, Tiny township?

Ms Simon: What I reviewed in that case was the board's decision. I didn't review any of the evidence, so all I can advise you of is what the board said to the best of my recollection.

Mr McLean: Did the board approve that?

Ms Simon: No. The board turned it down based on the planning process. My recollection is, the board concluded that the planning process was not traceable. A reasonable person could not follow the steps, understand what was done and come to the same conclusion. Even though the board concluded the site that was picked had, from a health and safety point of view, merit and it saw no reason why it couldn't be approved, from an environmental assessment point of view the planning process was so flawed that approval wasn't warranted.

Mr McLean: In your personal opinion, do you believe there should be another landfill site in that area?

Mr Jim Wiseman (Durham West): That's not a fair question.

Mr McLean: She knows the area as well as anybody.

Ms Simon: I haven't reviewed the issues. I haven't reviewed the evidence. I believe the board's conclusion, at least my interpretation of it, is that a landfill in the area is needed. The board chided all the parties for not considering what would happen to the north Simcoe area in the event this particular site the north Simcoe association was putting forward was turned down, and indicated, "It's a shame," and, "Think about that next time when you're

doing your planning, because something needs to be done with the garbage.”

Mr McLean: I just have a final question, Mr Chairman. I'd like your personal opinion. Are you in favour of more nuclear plants, if necessary?

Ms Simon: If necessary? I suppose if it was deemed necessary I really wouldn't have any choice. Nuclear power, like any technology, has pros and cons. I'm concerned about the uranium mining and transportation of the fuel, the use of the fuel in nuclear power plants, the whole question of waste disposal. I'm concerned about the centralization of the power plants and I'm concerned about the economic cost, but I also realize that nuclear power has benefits with respect to the amount of power that can be produced in a small area, the quality of the fuel that's produced, the ability to have fewer rather than—in fact, you can turn all the negatives around and turn those into positives. It's an issue that is really a balancing act.

My personal view, which I would put aside if this issue ever came before the Ontario Energy Board, is that—I live in Ontario. Some 60% of our electricity is generated by nuclear power. I live here, so I'm obviously not so opposed that I can't live here and live near Pickering, near a nuclear power plant. So the issue for me is, should there be additional capacity? Ontario Hydro in its recent supply-demand plan has indicated that it doesn't feel that there's a need. I'm sure that's a conservative view. If I had the choice, all other things being equal, recognizing there are other problems with any technology you would choose, assuming that it wasn't necessary, no, I would prefer that there were no new nuclear plants.

The Chair: I want to move on to the government members. I want to point out that Mr McLean has been kind enough to save me two or three minutes to get a number of things on the record about my riding later. We have Mr Frankford, Ms Carter, Mr Waters and Mr Wiseman who want to all get in their questions in a 10-minute period, so keep that in mind. We'll start with Mr Frankford.

Mr Robert Frankford (Scarborough East): I've seen your résumé. In 1980-81 you developed and authored a discussion paper on the feasibility of an Ontario district heating program. Can you tell us what happened to that?

Ms Simon: I believe it's still on the shelf of the person I worked for, although it did get approved for publication before I left.

Mr Frankford: Can you very briefly indicate what it was about?

Ms Simon: Yes, to the best of my recollection; it was 10 years ago. I looked into the feasibility of using district heating on a more wide scale for downtown buildings and other concentrated urban centres, medium-sized and large-sized cities. I looked at the social, economic and environmental implications of doing so. The conclusion of the discussion paper was that I thought there was an opportunity and I recommended that further debate take place in Ontario and that we look at how to develop a strategy for implementation.

Mr Frankford: And you would advocate this at the present time again?

Ms Simon: I don't know. I haven't looked into any of these issues since that time. In principle, I support district heating because it's a sound energy conservation measure, so I guess the same principles would apply. Yes, I'm still a supporter of the policy of district heating.

Mr Frankford: I know you're not appointed yet so you don't really know what goes on, but do you see this as something you might bring forward in this position?

Ms Simon: I believe the Ontario Energy Board sets the rates for the Toronto District Heating Corp. If I were to sit in on a hearing dealing with those rates, I imagine one of those issues in setting those rates would be economic. I suppose whether or not to expand or shrink the existing system might come before that board at that hearing and I guess I would weigh the evidence based on what I heard and come to conclusions.

1030

Mr Frankford: I dare say that the board does other things. Under the Municipal Franchises Act it has some involvement with municipalities, so maybe there would be a place for it.

I'll defer.

Ms Jenny Carter (Peterborough): I'm particularly glad to see your strong background in environmental matters, because I feel that is particularly pertinent when we're looking at energy issues. But we also have to look at how to get the cheapest energy supply to Ontario consumers. As you know, Ontario Hydro functions on the basis of power at cost. But when we take cost into consideration, I think that causes us to give a second look at nuclear power as opposed to conservation on that basis, the relative costs, and I just wonder what thoughts you might have on that topic.

Ms Simon: The relative cost of conservation versus nuclear power?

Ms Carter: I think that when we look at the recent past and the present day, the hikes we're looking at now in power prices are largely due to Darlington coming on stream and the kinds of costs associated with that. Also, we've had massive costs in respect of retubing power stations—I believe it comes to half a billion a shot for each unit—and of course there's malfunctioning and not as much production as was expected and so on. Yet the people—I refer partly to Mr Jordan, who's just come in—who are emphasizing this cost aspect are also saying that nuclear power is a good thing. I'd like your thoughts on that.

Ms Simon: I'm not an expert in really the costs of any energy source. What limited knowledge I do have, I am aware that certainly the experience in the United States with conservation is that up to a point of diminishing marginal returns, conservation is the cheapest way to go up to a point. The key is to find the point at which it becomes prudent to add supply, and then the question becomes, what is the most appropriate supply source? This whole issue, at least from the electricity standpoint, is being debated before the Environmental Assessment Board with

respect to Ontario Hydro and I certainly look forward to seeing what the board's decision is on that matter.

Ms Carter: Yes, I think we're very far from exhausting the possibilities of conservation.

Mr Daniel Waters (Muskoka-Georgian Bay): Are you aware that all the executives and senior staff at Hydro had their salaries frozen, and also that the membership of their union, in showing restraint, have a 1% increase this year?

Ms Simon: I believe I read in the newspaper something about the senior staff salaries being frozen, but I wasn't aware of the unions.

Mr Waters: This is just following on some remarks earlier that Hydro doesn't show restraint. Indeed at this point in time, do you feel that is showing restraint compared to what Hydro has done in the past?

Ms Simon: I really couldn't say. You're only giving me fragments. I haven't looked at the whole situation. I don't know what the history of raises has been. I don't know how the salaries of Hydro senior staff compare with people in either a comparable utility or even with what senior bureaucrats in the Ontario civil service make and I don't know what kind of impact that has on rates. I would imagine that if I sat on a board hearing with respect to rates, salaries factor into the rate base and that would be something that would be coming before me and I would look at carefully.

Mr Waters: One other question that is probably off topic, but Mr McLean entered into it—

Mr McLean: It's not off topic. It's in the material.

Mr Waters: —we both happen to represent north Simcoe. Coming out of your past, more out of curiosity than anything: When it was sent back, it was left to the people of north Simcoe to go back to the municipal board, I guess it is, with more recommendations—environmental board, I should say. It's been something like four years now. Do you think that's a long time before they come back to the government to try to work this thing through, and do you think there should be some way of speeding up the process?

Ms Simon: I'm always in favour, within reason, of speeding up the process. I suppose in the cabinet decision there could have been a deadline that was set to expedite it. That not being the case, I am aware that the North Simcoe Waste Management Association's consultants and lawyers have been working very hard to address the matters that cabinet asked them to address. I guess they're doing the best they can, given other priorities.

Mr Wiseman: My question has to be pretty quick because there are only a couple of minutes left. I'd like to get to your own priorities that you would set or the criteria you would use in evaluating whether the prices that are coming before the board are legitimately requested prices and rate increases, given that the Darlington nuclear power plant is mired in debt, doesn't work properly and continues to function at only about 25% to 30% capacity and that traditionally the financing for Ontario Hydro has been offloading the debt responsibilities to the future, which is now.

Have you given any thought to the criteria and the kinds of priorities you would set in making those evaluations?

Ms Simon: I believe the criteria are already set in the Ontario Energy Board Act, which lays out how rates have to be calculated with respect to a rate base and the criteria that have to be taken into consideration in determining that.

Should the government decide that the traditional economic accounting system is too narrow and it should be broadened, considering life-cycle costing issues or marginal cost pricing, which is I think what you're referring to, I would welcome the opportunity to sit on such a hearing where there was that mandate. But my understanding is that it's not the current mandate and that the board is confined to its current jurisdiction.

The Chair: The third party has four and a half minutes left, and Mr Jordan wants to ask a question. So I won't ask a question; I'll just put a couple of things on the record.

Two companies in my riding of Leeds-Grenville: We just had one shut down, an ammonia plant, Nitrochem. They laid the blame right on the doorstep of Ontario Hydro and its rate increases and their inability to negotiate some kind of agreement to establish a cogeneration facility. They've been working with Hydro for several years and simply getting the door slammed in their face. Black and Decker, another major employer, has expressed concern that if Hydro doesn't moderate its rate of increases, they are not going to be able to remain competitive in Canada.

So those are concerns that I think certainly the energy board has to look at on a broader scale right across the province. I think we also have to look at rural residents, who do not have the option of switching to natural gas and are faced with these astronomical increases as well.

In response to Mr Grandmaitre and his concern about the use of Ontario Hydro for socioeconomic programs, you said, "Well, it's government policy and I have to live with it." I think it should be incumbent upon the energy board to also make comment upon these sorts of departures from the historic mandate of Hydro if indeed it is going to jeopardize the industrial infrastructure in this province, so hopefully you will keep that in mind.

Mr Wiseman: I think you're drifting a little bit away from the neutrality of the Chair.

1040

Mr Leo Jordan (Lanark-Renfrew): Thank you for coming before the committee. I appreciate the opportunity to meet you and quickly ask you for your opinion regarding how Bill 118 is going to affect the board of directors of Ontario Hydro. As you know, once the bill is passed, the board members at Hydro are no longer responsible for their actions. It goes back to the government, the Minister of Energy. Would you like to comment on how a corporation can function in that manner when I sit as a director yet I'm not responsible, I just rubber-stamp what's sent over from the government through the chairman?

Ms Simon: I haven't read Bill 118 so I'm not familiar with the specifics of what it says or its implications. I'm

not aware that in every situation it's up to the government to dictate what Ontario Hydro does. I believe there is a provision that allows the government to give direction on policy, but that's not to suggest, I don't believe, that the government would choose to do that in every case. Otherwise the government would be spending all its time acting as the board of directors of Ontario Hydro.

Those are about all the comments I can make. I haven't looked at it more closely because I'm not aware, except in those specific situations where there would be direction, that it would encumber the board in any other manner.

Mr Jordan: How would you feel as a director, regardless of the company, if in fact you were not going to be held responsible for your actions?

Ms Simon: I'm not sure that's what the bill says. Are you saying the liability has been changed in some manner with respect to the board of directors?

Mr Jordan: Yes.

Ms Simon: I really don't know. I really couldn't comment. I'm not convinced that because they're not liable financially for the actions of Ontario Hydro it means they are not responsible. As a member I can comment where I serve on a board of directors and I do not have any fiduciary responsibility.

I'm currently a member of the board of the Canadian Environmental Law Association and I don't have any financial responsibility for any of the actions CELA takes, but that hasn't in any way affected my judgement or my ability to serve in that function. I don't believe that because you're not financially culpable necessarily has any direct bearing. I feel all the board members at CELA can provide well-informed advice and decisions.

The Chair: Thank you very much, Ms Simon. That concludes the time the committee has to direct questions to you. Thank you for being here this morning, and we wish you well.

SHIRLEY A. DAWE

The Chair: The next witness is Shirley Dawe. Welcome to the committee, Ms Dawe. Ms Dawe is an intended appointee as a director of the Ontario Development Corp. Again, this is a half-hour review and the applicant is the selection of the government party. Mr Wiseman.

Mr Wiseman: Thank you for coming today. First, how did you hear about this job, this position?

Ms Shirley Dawe: I was approached by telephone last October by a human resource firm that specializes in executive recruitment. I understand that they were given the mandate by ODC to develop an appropriate list of candidates for consideration for board appointment to the ODC.

Mr Wiseman: And then you submitted a résumé?

Ms Dawe: Before I submitted my résumé I asked for more information because I wasn't familiar with the ODC. Once I'd received that information I agreed to submit a résumé to that consulting firm and I guess about five months later I received a telephone call from someone in Diane Gumbs' office suggesting an interview, which I agreed to.

Mr Wiseman: What did you see about the Ontario Development Corp that you liked enough to want to be appointed?

Ms Dawe: I thought their aims were impressive, especially during this period of time as our province is going through a restructuring, and I felt that with my experience in consumer marketing, with my broad experience in management, with my board experience, I could make a contribution. Additionally, I felt I could learn a great deal with regard to the challenges that were facing businesses in southwest Ontario.

Mr Wiseman: Are you aware of the new ventures program?

Ms Dawe: I'm sorry. I really have to express some ignorance in some of the details of the ODC programs.

Mr Wiseman: Okay. Perhaps we'll go to the other end of it then. What would you like to see happen with the ODC in terms of the kinds of programs it should fund? Do you have any ideas about where it could do the most good or where it shouldn't perhaps be involved at all?

Ms Dawe: I'm sorry again. I have to say that I have not yet formulated a sufficiently strong opinion on any of those issues that you've just requested.

Mr Wiseman: Okay. I was just curious because when we have candidates before us—those questions that I just asked are a little unfair—I also try to see if there is some talent or some goal or some aspiration they have in terms of what they would like to bring to the board or agency they are being appointed to.

Ms Dawe: I'm sorry, I do not have a pre-determined agenda with regard to sitting on the ODC. All I can say is that I do believe I can fill perhaps a role on the board through my expertise in the retail area with regard to consumer marketing, with my understanding of large and small organizations, that perhaps some of that experience will allow me to assist in working with the other board members in making decisions that are correct for the ODC in fulfilling its mandate.

Mr Wiseman: Okay, here's a quick question. The Winter report, when it is talking about cross-border shopping, has indicated that in our retail industry we have a couple of levels of distribution that they don't have in the United States and that this is adding to the costs of the goods in our retail market. Do you think there's something that could be done, perhaps, through the board that would allow our retailers to become more cost-efficient by perhaps eliminating some of these other levels of distribution? Is there some mechanism that perhaps could be developed in order to have a more direct line of supply from the manufacturers to the retailers?

Ms Dawe: I think it's been reported in the newspapers that there are some companies, like the Hudson's Bay Co, which, through their own internal research, have determined that there are some ways of eliminating some of the costs that have had to be passed on to the consumer, and one of those ways is to eliminate the middle man and go direct in their procurement and, as a result, eliminate the

importer and go directly into the overseas market or eliminate the wholesaler. That is one element.

I guess the other thing is, when you take a look at some of the research that's been done, not only by John Winter but by some other retail research people, the taxes in Canada are high relative to the US and that too is contributing to the requirement to pass on higher markups to consumers.

The Chair: I think Mr Sutherland would like a question.
1050

Mr Kimble Sutherland (Oxford): I just have a couple of questions. First of all, let me say that your résumé or CV is extremely impressive for the appointment you are here being reviewed for.

I want to ask you about competitiveness in general. You just talked about taxes being an issue, and of course here in Canada we've taken a different sense of values from our neighbours to the south in terms of what we feel is important as a society. I think we pay a premium price in terms of that. Given all that, how do you define competitiveness? Everyone uses that word, but what is your definition of "competitive," and is this definition constantly changing?

Ms Dawe: That's the \$64,000 question. I don't think we've got enough time to go through all the aspects of what defines competition. Obviously it's going to change by commodity, by business. The key thing is that we always have to relate competitiveness to how consumers perceive it. They are going to be the ultimate judges of whether a product or service is being delivered to them in a way they feel is delivering value. Hence the product then becomes competitive and worthy of purchase.

Obviously, if you're looking at it from a manufacturing point of view, it's going to have another element. Competitiveness there might be not just the low cost but how quickly that manufacturing plant can turn over its inventory and provide just-in-time service to the ultimate manufacturer.

Mr Sutherland: I notice here that you've also been a director of Gilmore's, a store in Michigan. One of the issues related to cross-border shopping and the retail sector is the question of quality of service. We've certainly been hearing more concerns expressed by consumers in terms of the quality of service provided in the retail sector within this province. I was wondering if you could give this committee some sense of where you think the level of service is here in comparison. Also, based on your wide consulting experience to many service companies, what do you do to improve service? How do you do that?

Ms Dawe: The terms "service" and "competitiveness" are the hot buzzwords throughout business today. How you define service again depends on how your target market perceives the need to be served best. In some cases, service is defined as having a fabulous environment to sell the product in and a very high level of sales staff. In other cases, service can be defined as just having very clear, wide-open spaces and a very quick, convenient exit and entrance. In other cases, service can be defined as hours of opening. We certainly saw that banks adjusted their service issue very nicely, probably because of some very heavy

competition and finally some recognition of consumer research that today consumers want to shop in a bank on Saturdays and up to 8 o'clock. So they adjusted their hours. In the same way, I think some of the most recent research with regard to service is opening on Sundays or expanding the hours of opening more than they currently are, hence to Sunday.

Mr John C. Cleary (Cornwall): You mentioned in your opening remarks on the Ontario Development Corp that you could assist in southwestern Ontario. Well, we've got eastern Ontario and we've got the north too. I hope that was just an error on your part.

Ms Dawe: Just for clarification, I do believe this nomination is for the ODC, which focuses on those businesses in southwestern Ontario.

Mr Cleary: And not—

Mr Wiseman: No. You've got your own.

Ms Dawe: That's not to say I can't be, but for right now, I think we're dealing just with the southwest.

Mr Cleary: Okay. I apologize. My question might be out of order then.

Mr Grandmaitre: Try it.

Mr Cleary: I'm going to try it. I'm from eastern Ontario and we've had lots of dealings with members of the Eastern Ontario Development Corp and staff people. They have worked very effectively over the years and were able to bring new business in that we might never have had before. There was a change in the policy within the last year where they wouldn't give a business a little boost it needed from an interest-free loan for a year or two. I'm going to ask you your views on that change in policy.

Ms Dawe: I'm sorry, Mr Cleary, I'm really not in a position to comment on that change in policy. I wasn't aware of it and I can't comment further.

Mr Cleary: Okay, that's all my questions then.

The Vice-Chair (Mr Allan K. McLean): Bern?

Mr Grandmaitre: Pass.

The Vice-Chair: You can reset the time for 10 minutes and I'll ask a few questions, since the Chairman's not back.

Mr Wiseman: You're making very liberal use of the chair today.

The Vice-Chair: I think that's very clear. I want to congratulate you for coming forward. You have an excellent vitae. There's really not a question that I can ask you about the qualifications, but I observe that you're a member of the board of Ryerson Institute.

Ms Dawe: On the advisory board of the business school, the school of merchandising.

The Vice-Chair: What input do you have into that aspect of the institute? Do you have much input? Does the board meet once a month or—

Ms Dawe: No, the advisory board of the school of merchandising meets infrequently because we are in an advisory capacity. It would be on a quarterly basis at best and the biggest input was making suggestions on curriculum. I had an opportunity a couple of years ago to teach one of

the courses there, replacing somebody on sabbatical. I felt that gave me a great insight into some of the strengths and weaknesses of that course, and we were able to have some input into the curriculum, but basically they make their own decisions.

The Vice-Chair: How many professors or key people would run the university, are really in charge of the day-to-day operations of it?

Ms Dawe: I can't tell you that.

The Vice-Chair: I don't know and I'm just curious to find out. If you're on the board, you'd just specifically deal with the one area, I presume.

Ms Dawe: Just that one school, the school of merchandising. They have about 10 different schools, one business, one engineering, one radio arts and television, one journalism and one general. I'm familiar with only one of those schools.

The Vice-Chair: What would be the average pay of a professor there?

Ms Dawe: I'm sorry, sir, I can't tell you. I could find that information for you and pass it on later.

The Vice-Chair: This really has nothing to do with your appointment. It was just something I was curious about and wanted to get some of your knowledge.

Mr Wiseman: More liberalism in the Chair.

The Vice-Chair: Thank you very much for appearing before the committee. That'll be the end of your review.

Ms Dawe: My pleasure. Thank you very much, gentlemen.

Mr Wiseman: Good luck.

REBECCA F. JAMIESON

The Vice-Chair: Rebecca Jamieson, intended appointee as member of the University of Waterloo board of governors. I wonder if I could start off with the official opposition.

Mr Grandmaitre: You don't have a choice. You're the only member of your party, Mr McLean.

The Vice-Chair: Somebody will be back, but I'd like to wait for a few minutes. Go ahead.

Mr Grandmaitre: No, you're up, third party.

Mr Wiseman: It's hard to know if we're setting a dangerous precedent with the Chair doing this much talking.

Mr Grandmaitre: We'll trust him.

The Vice-Chair: I'd just as soon be over there and ask the questions.

Mr Grandmaitre: Do you want to move?

Mr Wiseman: Bern, you go in the chair.

The Vice-Chair: Yes.

The Acting Chair (Mr Grandmaitre): Now's my chance. You're out of order.

Mr McLean: You have a strong interest in the issues that affect the university in Waterloo. Did you apply for this appointment, or were you asked?

Ms Rebecca F. Jamieson: I was asked by the academic cohost, Jim Kalbfleisch. We met informally in a

meeting dealing with post-secondary education issues in the region and from there he contacted me and asked if I would be interested.

Mr McLean: Have you ever sat on a board like this before?

Ms Jamieson: No, not at this level. I participated with the Brantford district health council, which is a much smaller scale and was certainly not directly involved in the actual decision-making of an institution, so nothing like this before.

1100

Mr McLean: That's what I was trying to get to with the previous witness, to find out really what the responsibilities would be as a member or as a director of a board. I have had, as many of the members probably have, some dealings with the OSAP problem. That has really nothing to do with you, other than the fact that I have a letter here from a student who is at Waterloo and who is having some real problems with regard to his OSAP loan.

I'm curious to know, and I would probably like you to look into it when you are a director, who in the school, and how many, look after this very aspect of when people come and apply for their loans. The information I have is that they're not returning the calls from the students. Have you had any dealings with that aspect of the university?

Ms Jamieson: No, I haven't and I don't know the structure of the university well enough to even comment on how many people there are or even where the entry point is for the students.

Mr McLean: Do you live in Waterloo?

Ms Jamieson: No, I live at Six Nations.

Mr McLean: How far would that be from Waterloo?

Ms Jamieson: It's a good hour's drive.

Mr McLean: You're in the education field now, are you not?

Ms Jamieson: Yes.

Mr McLean: Where are you teaching, or are you teaching?

Ms Jamieson: My background is teaching, but right now I work with the Six Nations community and they're looking at establishing their own school board and running their own education system. I'm in charge of that project right now. That's what I've been doing.

Mr McLean: I wish you all the best.

Ms Jamieson: Thank you.

Mr Frankford: One of the things that you do on the board of governors is in relation to faculty. One of the questions around the faculty is the representation of women. For a start, do you have any thoughts on that?

Ms Jamieson: Just reviewing the material that was provided to me by the university, I know it's been flagged as an issue within the university. I know they're talking about it, but what they have decided I don't know. I have no particular personal opinion on it. I believe if the person has the qualifications and the ability, then he or she should be provided the opportunity. That might be a very naïve approach, but that's the way I would look at things.

Mr Frankford: I think the experience in all universities—I don't know Waterloo particularly—is that at the undergraduate level there's a 50-50 representation of men and women and then, as one proceeds into post-graduate studies and into faculty, the proportion of women gets progressively lower. This has been a constant and systemic aspect of it. I was wondering if you had any thoughts about how you would go about correcting that imbalance.

Ms Jamieson: I can't say that I have a position or a particular view I would take as a board member at this point. I would be more comfortable to look at the situation at the university first and get a feel for what's being considered at the institutional level.

Mr Frankford: In 1991 the Ministry of Colleges and Universities announced that Ontario universities will receive funding to develop and conduct workshops to improve the conditions for women studying engineering. The aim of the workshops is to change the attitudes towards women faculty, students and administrative staff specifically at the engineering schools. Do you have any comment, any views on women getting into non-traditional areas like engineering?

Ms Jamieson: If there have to be some proactive measures, and obviously there have been some taken to correct underrepresentation, if that is in fact the case, I know engineering is one of the areas across the province and across the country as far as women's enrolment is concerned. Whether or not it's traditional or non-traditional, I guess I would even question that, but I don't really have any sort of position in terms of whether that is an appropriate thing specifically for that faculty or whatever to say.

I don't other than obviously it's been raised as a concern and some direction has been taken on it and I think if you're asking for a really personal-level response—and that's about all I can give you at this point—I'm pleased to see that there's some review of these kinds of things happening, not just for women but for all categories of students that are underrepresented in various fields of study.

Mr Sutherland: Miss Jamieson, you have a very impressive CV here in terms of the field of education. Also, from looking it over, it looks like you have a very impressive résumé in terms of belonging to institutions and belonging to groups that reach out to the community. Certainly one of the concerns or criticisms of universities is, how responsive are they to the community and to society as a whole? Do you have any thoughts as to how, from your past experiences, a university, particularly the University of Waterloo in this case, may become more responsive to all the communities that it has a mandate to serve?

Ms Jamieson: I know with Waterloo specifically I was quite pleased when Waterloo participated in the formation of a consortium of universities in the southwestern area—it's very informal at this point—and basically made the initiative to contact various communities, in particular, aboriginal communities where I come from, where students are underrepresented in the university climate. Just by that informal outreach, just a single meeting, an invitation to discuss, I'm hoping will extend into a lot of proactive sorts

of undertakings jointly between the communities and the university.

I think it boils down to the fact that in the end the people you have sitting on your board are the people who can initiate that sort of reaching out into the community, and the way the boards are structured, it's my understanding you have a good cross-section of people. If your board members are active, I think a lot of the motivation can come from the board for this kind of thing, and certainly faculty. In the particular cases of both McMaster University and Waterloo there have been key faculty who have taken it upon themselves to do that very thing, but they had to have the support of the board. They had to have the support of that type of body.

I don't know in terms of strategies other than saying that, in my understanding, that part of the role of the board, in addition to making decisions for the institution, is to help raise the profile of the institution with the client base.

Mr Sutherland: One additional question: Waterloo is certainly renowned. It started in the co-op education area and has been extremely successful. I would suggest, even as much as I hate to say it, it has been the model, even more than many of the universities some of the rest of us have attended.

Mr Wiseman: Particularly loyalty to it, that you wear on your cuff continuously.

Mr Sutherland: That's right. But it's certainly been very innovative in that area. What do you feel about where it's been and some sense of where it's going on those areas?

Ms Jamieson: I know that Waterloo is strong in the co-op education area. My personal bias is, I think that's the way to go. The way to have education that's applicable is to use the cooperative approach. It's particularly amenable to things like engineering, those types of professions. The only area where it's not as strongly applicable is in the arts area. It seems always to get left behind.

It's my understanding so far from the university that its direction for the next 10 years is that it's going pursue and expand this cooperative education approach. I was pleased to see it, quite frankly, being an educational practitioner. I think it makes the most sense. Your students are more employable when they graduate. There are a whole bunch of benefits that come out of this kind of approach as far as I'm concerned.

1110

Mr Wiseman: I have two directions of questions, if I have time. How much time do we have?

The Chair: A little over two minutes.

Mr Wiseman: Two minutes? The first question is that I have a great deal of difficulty with the traditional administration structure at the university. I think it's too hierarchical and has a lot of people doing a lot of jobs that don't necessarily result in direct student productivity. There are models; for example, in my riding, Durham College has developed a model of administration where they don't really have an administration as such. They just disperse the administration throughout the faculty. Have you given any

thought to the kind of traditional structure that exists in the university, where it could be changed and where it maybe should be changed?

Ms Jamieson: I don't have enough knowledge about structures of university administration. Just recently I've started to review the briefing kit sent to me from Waterloo and I'm trying to make sense of all the charts in it, how it all fits together and then how it all goes into functioning. What I picked up in that material is that there is a move with Waterloo to at least decentralize more to the faculties. How that's going to impact on administrative structure, I don't know. I don't know enough about it to comment on whether this structure needs review and, if so, how it should happen and so on. I don't know enough about it to say.

Mr Wiseman: Perhaps I could give you an example. At Durham College, which runs a campus for four universities as well, they've seen an increase of 18% in their student enrolment in this year alone.

Ms Jamieson: Really?

Mr Wiseman: They have seen their grants from the government increase only 1% and yet they have managed to accept all of these students, which is a greater burden of students, without laying off one single staff person, and to accommodate them. They've been doing this now for three or four years.

I think there's something to be learned from what Gary Polonsky at Durham College is doing, and the universities need to start taking a look at it. If a college can do this kind of change—what they've done is taken all of the administrators and put them back in the classroom to accommodate this kind of change. The administration is dispersed over the entire faculty. So I hope you might take a look at that.

The Chair: We have to move on. Mr Grandmaître.

Mr Grandmaître: I'll pass, Mr Chair.

Mr Cleary: Just one question, Ms Jamieson. I see there's a familiar name here and I'm just wondering if you know or are related to our Ombudsman.

Ms Jamieson: She's my sister-in-law. I don't always admit that.

The Chair: You don't, or she doesn't?

Ms Jamieson: Sometimes it's both of us.

The Chair: Thank you very much, Ms Jamieson. We appreciate your appearing here today and wish you well with your new responsibilities.

Our next witness is another intended appointment to the Ontario Energy Board, Cheryl Cottle. Is Ms Cottle present? She's not present.

I stand to be corrected, but I should advise you as well that I believe Claire Marie-Jeanne Narbonne-Fortin—that's a mouthful and a half—cannot be here today. Mr Grandmaître has indicated that he will remove that request, so we will not be seeing that individual either.

I'm not sure what to do about Ms Cottle and I look to advice from the committee. Our clerk has searched the halls for her and is unable to locate her.

Mr Grandmaître: May I suggest we take a five-minute recess?

The Chair: I'll suggest a 10-minute recess. It always seems to go longer than what I suggest; people tend not to straggle back for 15 or 20.

Mr Waters: Mr Chair, maybe you could meet with your subcommittee and take care of that problem, so you could all get out earlier. It's just a friendly suggestion.

The Chair: How does the subcommittee feel about that? I don't see anything wrong with other members remaining present as long as you don't participate and delay things. We can do that so we don't have to be here later. Perhaps I'll let the clerk take over at this stage with respect to—

Interjection: Are we on a recess?

The Chair: We're not going to be, no. I don't see anything wrong with continuing to keep this on the record. Do you see a problem with that, Doug, rather than people leaving and coming back?

Clerk of the Committee (Mr Doug Arnott): I think you should recess.

The Chair: All right. We will declare a recess and we won't record the minutes of the subcommittee meeting.

The committee recessed at 1116.

1126

CHERYL COTTLE

The Chair: Come to order, please. The next witness, who I have been assured is present, is Cheryl Cottle, an intended appointee as a member of the Ontario Energy Board. Welcome to the committee. You have been selected for a half-hour review. I'm sure you've been watching this morning, so you know the process. You were selected by the third party for review and we'll ask Mr McLean to begin the questions.

Mr McLean: You were counsel to the board from 1985 to 1988.

Ms Cheryl Cottle: That's correct.

Mr McLean: Now you're going to be looking for this appointment on the board.

Ms Cottle: That's correct.

Mr McLean: Who's counsel for the board now?

Ms Cottle: There are two lawyers assigned to the board from the Ministry of the Attorney General's staff. Do you want their names?

Mr McLean: No, not necessarily. Are you working in the Cabinet Office now, or where are you working?

Ms Cottle: I'm on secondment from the Ontario Insurance Commission and I'm working with the automobile insurance review project.

Mr McLean: Are you in the Attorney General's office then?

Ms Cottle: Yes, I am.

Mr McLean: You're seconded to deal with that.

Ms Cottle: Seconded, seconded and seconded.

Mr McLean: What is happening with the insurance commission? Is there much going on there?

Ms Cottle: They're very busy, sir.

Mr McLean: What about the Ontario insurance board? I've referred more letters to the insurance board in the recent six months than I think I ever did for 11 years before that.

Mr Grandmaitre: Now's the time to get an answer.

Mr McLean: I'm wondering, is the workload and case load of the board a lot heavier now than it was?

Ms Cottle: The insurance board or the insurance commission?

Mr McLean: The auto insurance board.

Ms Cottle: The auto insurance board no longer exists. It's the insurance commission. I think they are busier, yes, because the commission is an amalgamation of the old superintendent of insurance office and the automobile insurance board. By Bill 68, they became one.

Mr McLean: Are they busier because there are more people complaining about not being satisfied with the—

Ms Cottle: Not necessarily. It's just a more public body than perhaps the old superintendent's office was.

Mr McLean: Why did you apply for this position? You were probably asked.

Ms Cottle: I was asked, yes. Why am I interested in this position? I have a lot of interest in administrative law and regulation. I have a lot of experience in terms of my work experience in that area and I also have a demonstrated personal interest in the sense I'm on committees and I've done a master's in law and regulation.

I am a civil servant and I am a lawyer. As both, I am a servant in that I serve masters. To be a member of an agency is a more visible type of public service and it's one I'd like to do if I have the opportunity.

Mr McLean: They tell me that Ontario Hydro is one of the highest-paid boards in government jurisdiction, maybe \$65,000 average, I have heard.

Ms Cottle: I've heard that.

Mr McLean: Do you find it offensive, so to speak, that some of the salary increases that have been given in 1992, some up to 14%, are excessive?

Interjection.

Mr McLean: You're next on the list. If you want to ask your question afterwards, you go ahead.

Mr Waters: We would like it to be accurate. Let's just not state something.

Ms Cottle: The salaries of employees and the executive at Ontario Hydro, no matter what they are, are costs of operating that utility, and they can be reviewed by the Ontario Energy Board at the hearing. If they're excessive, then I would assume the board would say so.

Mr McLean: This is a part-time position?

Ms Cottle: No, sir, it's a full-time position.

Mr McLean: Full time. So the other positions you hold now you will be—

Ms Cottle: I will leave those positions.

Mr McLean: Leave those positions. I have nothing further at the present time, Mr Chairman.

The Chair: Ms Carter, then Mr Waters.

Ms Carter: As you just said, you've already worked with the Ontario Energy Board, but as you put it, as a servant, so you must feel that, as a member, you will be able to act in a more fulfilling way. I'm just wondering, do you have feelings about the kind of thing that you would like to do on the board, that you would like to see happen?

Ms Cottle: In terms of being a member, it's not that it's more fulfilling, it's just a different type of role than as a staff person. It's a more visible role in terms of the determination process. You're actually making the decisions, whereas as a staff person, as a lawyer, as a civil servant I provide advice and I'm not in the determination process. It's a different type of role.

Ms Carter: Yes. So from what you've seen, as it were, from the outside you feel you would rather—

Ms Cottle: Not rather, I'd like the opportunity to try it.

Ms Carter: Yes, yes, I see.

Ms Cottle: It's a different type of role. It's sort of broadening the experience.

Ms Carter: But you obviously have the knowledge and the background that should make it a very easy transition for you.

Ms Cottle: I believe I do have work experience that would assist the board, yes.

Ms Carter: Yes. Now, as regards this whole—I don't know what you'd call it—tug of war or what, as to what Hydro should be doing, do you think it's sensible for Hydro to be spending that \$240 million on efficiency and conservation as opposed to putting it into planning for the next round of nuclear power stations?

Ms Cottle: What Hydro is doing with its money is part of the job of the board of directors of Hydro to decide in terms of whether it's appropriate. It can be reviewed by the board or by the government, but it's—

Ms Carter: Well, the board does give advice, I guess, on matters of that kind to the government.

Do you see that there's any danger of this province running out of electric power if we don't build new power stations in the near future?

Ms Cottle: I'm sorry, I just don't have—

Ms Carter: You haven't anything to go on?

Ms Cottle: —enough information to respond to that question.

Ms Carter: Okay. Thank you.

The Chair: Mr Waters.

Mr Waters: Are you aware—indeed, it would be pleasant if the members opposite were to read the statement in its entirety and correctly—that this year the salaries of the senior executives and staff of Hydro, are actually frozen and that, indeed, their unionized members in CUPE received a 1% increase? It's stated in our background material, pointing out that as of March all categories of staff at Hydro had better wages and benefits than equally skilled workers employed in the private-sector companies drawing from the same labour market. They go on to say that, indeed, clerical staff do receive 5.5% more

and trade people do, but this is an historical difference and at this point in time Hydro is showing restraint, and that we have been able to sit down with Hydro to obtain this restraint. Are you aware of those facts?

Ms Cottle: Only from what I hear, sir, but that's neither here nor there. It's part of the public record.

Mr Waters: Yes, it would be pleasant if the members opposite would actually read this instead of just looking at the numbers. I'll pass to another colleague.

Mr Wiseman: My questions have to do again, as earlier, with this whole notion of energy at cost and my concern that what has actually happened in the past is that with the financing structure of Ontario Hydro and the way it borrowed money and then deferred the actual billing of the customers for the borrowed money, this has deferred huge costs into the future. Since you do have some experience with that, how do you see the way the financial structure of Ontario Hydro has existed in the past?

Ms Cottle: Although I was a staff person at the energy board, I had limited exposure to Hydro matters. I was never on a Hydro hearing, so I'm not very familiar with the financing of Ontario Hydro.

Mr Wiseman: You will be responsible for other energy-related matters, such as gas pipelines, the pricing of natural gas and so on.

Ms Cottle: That's correct.

Mr Wiseman: I think I'm going to drop Ontario Hydro and ask you a question about natural gas and the fact that there are some companies that are going around the province now, knocking on doors and asking people to buy into a rebate plan. Do you have any comments on that?

Ms Cottle: When I was at the board, actually it was a very exciting time, because it was the beginning of the deregulation of the natural gas industry. I know one of the issues we discussed at the time was the broker issue, which is what you're referring to now. It was always thought these brokers would operate in conjunction with the large industrial users and not necessarily the individual residential consumer. I know the board is aware of the broker issue. Now that it's come down to the common person in the street, I think they should look at the practices of brokers and determine if the practices are in the interests of the consumers. Other than that, I don't know anything more about it except what I get in the mail personally.

Mr Wiseman: The board will be responsible for things like pipelines and the cost of pipelines and transportation and those costs and so on. This is just a question. How would they be able to determine whether the costs of the pipeline are actually legitimate in terms of the costs being translated into consumer rates?

Ms Cottle: They look at the economic feasibility. When they're determining whether a pipeline should be built at all, they look at a number of factors, and one of them is economic feasibility. They look in terms of the market, what are they going to serve, the actual market and the potential market. They know what the costs of transportation and distribution of gas are. They also look at

other items, the environment and other costs. So they do it through the evidence before them.

Mr Wiseman: One of the things that concerns me is, for example, California has had huge contracts with Alberta for natural gas and is currently in the process, I believe, of trying to either terminate them or renegotiate them at a lower rate. Is the board able to take a look at those kinds of things to see what that impact would be on the Ontario market? For example, if they're able to negotiate the rates lower, would supply and demand come into effect and would the board then be able to drive the rates lower in Ontario, or would the set rates still be maintained and kept higher because of the negotiated contracts? How would that work?

Ms Cottle: The board does look at the cost of the gas the utilities buy from Alberta. They do look at the cost. They approve the costs, actually, in their rate hearings. In terms of the length of contract, that's one of the terms of the contracts they look at in terms of their approval process. Whether they would approve a long-term contract for a utility or not because of that, because of the unknown, I'm not sure. It would depend upon the market at the time.

1140

Mr Wiseman: My last question is kind of a speculative question in an area I'm interested in. I have Eastern Power in my riding and it generates electricity from the burning of the methane gas from the Brock West landfill site. Would the board be responsible at all for looking at alternative sources such as that in the generation of electricity and the rates, whether that kind of methane gas could be used to serve other functions and whether that would enter into the whole scenario of, say, building a pipeline? Do you need to build a pipeline if you can have some kind of creation of gas closer to the source of the burning?

Ms Cottle: My understanding is that they regulate the natural gas industry. I am not quite sure whether that fits into the regulatory scheme at all.

Mr Wiseman: Neither am I.

Ms Cottle: I think that's a technical question that, I'm sorry, I don't have the background to answer.

Mr Wiseman: I guess a question that's more in line is, do you think the board would have to now start looking at these alternatives to sources of gas other than perhaps just okaying a pipeline through some part of the—

The Chair: A yes or no answer, please. We're over our time.

Ms Cottle: Yes.

Mr Grandmaitre: I know you just told us that you're not familiar with the financing of Ontario Hydro, but let's go back to its historic mandate: providing power at cost. Do you think Ontario Hydro is deviating from its original mandate when it subsidizes other programs?

Ms Cottle: When it subsidizes other programs, it could be argued, I suppose, that it's performing a function as a business entity in the province and as a crown corporation. Whether that's a deviation from its mandate or not, I don't know. It might be.

Mr Grandmaître: Being a lawyer, what are your thoughts when I tell you that the mandate of a person is to do such-and-such a thing and he deviates from that mandate?

Mr Wiseman: It's not entirely clear that they have.

Mr Grandmaître: I'm glad you're not a lawyer.

Ms Cottle: When they deviate from a legislative mandate?

Mr Grandmaître: Yes.

Ms Cottle: I'd have to see the words. As a lawyer, I'm sorry, I have to see the words because if Hydro is to operate not just to produce the lowest costs but also to act in the public interest, that's a larger mandate. So it depends upon the wording of their mandate.

Mr Grandmaître: To act in the public interest to provide power at cost.

Ms Cottle: They are also a crown corporation and a business entity in the province and they may see themselves as having a broader mandate in that respect.

Mr Grandmaître: So you don't see anything wrong with buying uranium at four times the world price.

Ms Carter: Well, there was nothing seen being wrong with it previously.

The Chair: All right, please.

Mr Grandmaître: Is there an echo in this place?

Ms Cottle: It's not that I personally see anything wrong or right with that. I just don't know enough about the facts to answer that question.

Mr Grandmaître: Thank you. Good luck to you.

Mr Cleary: Would you care to make a comment on the change of Ontario Hydro policy on cogeneration where it put a freeze on new projects on cogeneration?

Ms Cottle: I would have thought that would be part of their long-term strategy in terms of looking at their long-term needs for power in the province. If they have a current freeze on cogeneration, it's because they can't move in terms of short-term policy versus long-term policy.

Mr Cleary: Would you care to make a comment on the package of lightbulbs that each of us got? Do you think that was money well spent?

Mr Grandmaître: I didn't get mine.

Ms Cottle: No, sir.

Mr Cleary: No? Thank you.

The Chair: Mr McLean, you have about four minutes left.

Mr McLean: I don't need that much. The candidate search says "particular part-time position." Is this part-time or full-time?

Ms Cottle: This is full-time, sir.

Mr McLean: It's full-time. What is the salary range that the board members would get paid?

Ms Cottle: I'm taking a leave from my position as a civil servant and an employee at the Ministry of the Attorney General, so I will retain my current salary. I don't know what board members get. I just retain my current salary.

Mr McLean: I thought you were no longer with the ministry and you were going—

Ms Cottle: No, I'm taking a leave from the ministry and returning after my term.

Mr McLean: How long is your term? Three years?

Ms Cottle: Yes.

The Chair: Okay, thank you very much, Ms Cottle, and I wish you well.

That concludes the agenda for today. Members, I just want to point out that Andrew McNaught is going to be filling in as our researcher for the next three weeks while our regular researcher tours Europe. I'm sure he'll come back with some interesting stories. In any event, meeting adjourned.

Mr Wiseman: Don't you want to do the concurrence?

The Chair: Oh sorry, yes, we do have the concurrences. My apologies. I guess I'm in too much of a rush today.

Mr Wiseman: You must have something really hot cooking for this afternoon.

The Chair: You bet. Hold your breath.

We'll look to a motion dealing with all of the witnesses who appeared before us.

Mr Wiseman: I'll move it.

The Chair: Moved by Mr Wiseman. Any discussion? All in favour?

Motion agreed to.

The Chair: Now we can adjourn. Thank you.

The committee adjourned at 1148.

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Also taking part / Autres participants et participantes:

Jordan, Leo (Lanark-Renfrew PC)

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Appointments review

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday May 13 1992

The committee met at 1007 in room 228.

APPOINTMENTS REVIEW

Resuming consideration of intended appointments.

BEVERLEY E. WEXLER

The Chair (Mr Robert W. Runciman): Our first witness this morning is Beverley Wexler, who is an intended appointee as alternate chair of the Review Board of Psychiatric Facilities. Ms Wexler, welcome to the committee. This is a half-hour review, and we'll begin the review with the third party. Mr McLean.

Mr Allan K. McLean (Simcoe East): How long have you been on the board?

Ms Beverley E. Wexler: Four years.

Mr McLean: And you're going to be reappointed?

Ms Wexler: I have been reappointed.

Mr McLean: You have been? When?

Ms Wexler: Last year.

Mr McLean: For how long?

Ms Wexler: I can't recall. I believe it is a two-year reappointment.

Mr McLean: Why are you here today, then?

Ms Wexler: I have been recommended to become an alternate chair. I'm not sure why I'm here today, to be frank.

Mr McLean: If you were appointed for two years, I was wondering why—

Ms Wexler: It requires a special designation to become a chair, so I suppose this has instigated a review process.

Mr McLean: I read somewhere that you attended meetings in Toronto.

Ms Wexler: Yes.

Mr McLean: Do the chairs or members of the board meet once or twice a year as a group?

Ms Wexler: Yes. The board has held annual conferences. I'm not sure if there's going to be one this coming year because of budget restraints. Last year we were subsumed into the conference of administrative boards and agencies to save money and carry on at the same time.

Mr McLean: There are 12 regions and 12 chairs.

Ms Wexler: I believe so.

Mr McLean: Do you have any idea how much those chairs of those regions make on a per diem?

Ms Wexler: It's \$550.

Mr McLean: Five hundred and fifty dollars?

Ms Wexler: It's set by the legislation.

Mr McLean: That's right. Most of those, I believe, are lawyers?

Ms Wexler: The chairs are lawyers.

Mr McLean: You have not had any hearings in Thunder Bay and you indicate somewhere that you would like to be able to hear in Thunder Bay. Why?

Ms Wexler: They haven't called me in because it's an extra expense to the board to convene a five-person board instead of a three-man board. They would have to pay my expenses into Thunder Bay and then perhaps the intended review could collapse at the last moment and they'd have spent a lot of money to bring me in. It hasn't been necessary to bring me in. I haven't been needed to replace anybody. Ken Tilson has been sitting regularly.

Mr McLean: Is the board still experiencing administrative difficulties as a result of the Dayday decision?

Ms Wexler: Not that I'm aware of. I believe they've addressed that issue and have convened boards composed of different members whenever required to do so. I believe it's cost their budget somewhere in the area of \$1 million to address that need, but I believe it's being met.

Mr McLean: What percentage of the cases you've been on would result in the patient or the resident being released from the psychiatric facility?

Ms Wexler: I can't give you those statistics. I have not sat on any boards in Thunder Bay.

Mr McLean: But in Kenora?

Ms Wexler: In Kenora there have been several boards. They don't come up as often. I have not sat in Kenora as yet. I had conflicts in some other matters that came to Kenora, when my clients were on the other side.

I can't give you those statistics; I'm not sure they keep those statistics in that fashion, as to how many are released in the province or in a particular district. I don't know if they record it in that way.

Mr McLean: So if you haven't sat on the board in Thunder Bay or in Kenora—

Ms Wexler: No, I haven't.

Mr McLean: Where have you sat?

Ms Wexler: I haven't.

Mr McLean: You've been appointed but haven't been acting?

Ms Wexler: That's correct. I've kept up with the educational process, and I'm interested; I've sat in on a hearing. I haven't been needed.

Mr McLean: So as a vice-chair, will you be able to sit in Kenora?

Ms Wexler: Yes. That means I could convene a board in Kenora without bringing in a chair from Thunder Bay and save some expense there. I can also go down to areas

like Penetanguishene and other places where I'm needed, especially because of Dayday, where they would need a different chair for the same patient; so I would be available to do that.

Mr McLean: I'm curious. From Kenora to Penetanguishene would be fairly costly. Wouldn't there be somebody in Metro or some closer area who could do this?

Ms Wexler: Not necessarily. It's a matter of finding somebody who may not have had any previous contact with the patient. It's expensive to travel anywhere in the province when you have to do it at full rates.

Mr McLean: That's right. Some time ago we had a committee that looked at and toured Penetanguishene. That's in my riding so I'm very much aware of it. I'll leave the rest of the time for you, Mr Chair.

The Chair: Thank you. Mr McLean has given me about four and half minutes. Ms Wexler, about Dayday: As a lawyer, do you have an opinion on that? Do you think that's an appropriate decision? I gather the government hasn't appealed that decision. I don't know whether there is a statute of limitations in respect to an appeal.

Ms Wexler: There's been no appeal of Dayday. It's been out for some time. I don't have an opinion on it; I haven't worked with it; I can't give you a personal opinion. If I were an alternate chair, I would have to apply the law as it stands. It's not my job to make assessments.

The Chair: I agree with you that it's very costly.

Ms Wexler: It is very costly, but there are other issues that Dayday dealt with which make sense.

The Chair: In some respects. Anyway, we could debate that all day.

I wonder how you feel about the treatment of victims and victims' families in respect to these hearings. I represent a riding that has a psychiatric forensic facility, and we've had a number of incidents and a murder last year on the grounds. There is an inquest upcoming on that matter.

But I know of an instance previous to that where a "gentleman"—I use that word loosely—was found responsible for the death of a young boy in my community and was then released. The mother tried to keep track of this individual, but the review board would never give her the opportunity to appear; wouldn't even advise her of the time of the hearings to review this gentleman every time he wanted his warrant loosened. I wonder if you would be an advocate for stronger rights for victims and victims' families.

Ms Wexler: I'm sympathetic to the rights of victims and their families. I've acted for both sides. I have extensive experience in prosecuting. I have extensive experience in defending. I've worked in family areas and welfare areas so I come at it from all different directions. I have sympathy towards the community. I'm very often the one who is asking the doctors to keep my clients in the hospital because I don't want them out on the street and I don't want them in the correctional system. So I approach it from a broad viewpoint.

All I can say is that as an adjudicator, I'd have to apply the law and allow people to speak who are allowed by law to speak and be courteous and give everybody a hearing.

The Chair: As a co-chair, or whatever the terminology is, you wouldn't go that extra mile? I think you would have that latitude to ensure that perhaps a victim who has expressed an interest in following a particular individual's progress, if you will, is alerted and has the opportunity to appear, if not testify.

Ms Wexler: I'm not unsympathetic to the question you're asking, but the problem is a matter of time. The Mental Health Act provides for these hearings to take place as quickly as possible, especially when treatment concerns are an issue, and the board is convened as quickly as possible. Parties are notified as best they can be, and I understand that it's up to the hospital and then again to the patient's advocate to prepare their parties as quickly as they can.

The Chair: The patients have an advocate—you're right—at the expense of the taxpayers, but the victims do not have a similar advocate. In my view, you're sort of dancing around this issue because, as a co-chair, I think you would have that latitude. I guess I'm not seeing the kind of sympathetic ear I would like of the concerns of my own community about victims and victims' rights not being given the priority they merit.

Ms Wexler: Mr Runciman, the place you're going to get that sympathy is when the board itself considers whether the patient is fit to go into the community. That's what the hearing is for.

The Chair: I agree that's what the hearing is for, but in most cases, probably at least 90% of them, the victim does not have an opportunity to participate in that hearing when a warrant is going to be loosened or sometimes lifted.

Ms Wexler: What happens is that the doctor generally presents the viewpoint of the community and the people who have been affected by what a patient has done. All of that information comes in the doctor's diagnosis and recommendations, because we have to hear the medical diagnosis and the recommendations and then deal with it as it affects the community.

The Chair: I think it's failed in a number of instances. I guess you haven't been involved in any adjudication.

Ms Wexler: I haven't sat on any board so I can't say that I have that experience.

The Chair: I know it's a difficult job and that in some instances, you're making these decisions that could come back to haunt you and haunt the community.

Ms Wexler: No doubt.

Ms Jenny Carter (Peterborough): I'm a little concerned that the Chair has been questioning a witness. I'm not sure what the—

The Chair: I'll respond to that. If you want to object to that in a serious way, if I were taking a partisan position I would agree with you. I'm not doing that. I think I have every right as a member of this committee in a non-partisan matter like this to express those kinds of concerns and

questions of a witness. If you have a strong disagreement with that, I would suggest you take it to the Speaker.

Mr Will Ferguson (Kitchener): We're heartened that you've clarified that these in fact are non-partisan appointments.

The Chair: I didn't say that, Mr Ferguson. I wasn't questioning the partisanship of this witness; I was simply asking about my concerns about the operation of this board.

Mr James J. Bradley (St Catharines): You realize you're just supposed to bow down and say yes to everything around here.

The Chair: I'm not one to do that, sir.

Ms Carter: We'll leave that for now, anyway.

As you've been saying, you haven't actually sat on a panel. I understand that's partly because there's one lawyer per panel and that if the Chair is normally a lawyer then you would automatically not be required—if you're not the Chair. So now the way will be open to you to function much more effectively in that way.

Do you feel that your location in Kenora can be an asset in that respect? Can it serve the regional demands of the board?

Ms Wexler: I'm concerned about that. I've advised the board of that in the past when my reappointment was considered. We have a very high native population in our district. We have a scheduled hospital in Kenora. It's a very good hospital. We try very hard to keep psychiatrists there.

It does come up that hearings are necessary and I believe it'll be coming up more often in the future. I think it's important for our district to have a voice and for it to cost as little as necessary for the taxpayer. I do have extensive experience in the area.

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Ms Carter: So now there will probably be more hearings based in Kenora and that will be convenient and save expenses in travelling arrangements and so on.

Ms Wexler: Yes, although the hearings are at the request of the patients, so I couldn't predict how many patients would be asking for them.

Ms Carter: But the potential is obviously there. Previously, were people generally having to travel from Kenora to hearings?

Ms Wexler: Yes. The previous representative from Kenora is now a provincial court judge. She used to travel quite extensively around the northwest of the province to participate in hearings. That was before the full board was established in Thunder Bay.

Ms Carter: Does the board have any contact or share information with the local community advisory board?

Ms Wexler: I don't believe so. I believe our board is simply there to carry out the hearings according to the Mental Health Act. I have participated in discussions with the doctors at the local hospital. I don't believe I've participated with any members of the community advisory board. We're really two separate entities. I'm sure if there

were concerns that had to be addressed it would just be a matter of speaking about them, but the hearings don't address that relationship.

Ms Carter: Do you think that board could become more effective, and if so, how could it do that?

Ms Wexler: I'm not sure the legislation allows us to take on a larger role. I think that would be an issue the legislators would have to address. I'm not familiar with the workings of the community advisory board in Kenora. I'm familiar with the doctors and the hospital administration. I approach it from the other angle when I'm dealing with the my clients in the hospital.

Ms Carter: Potentially how many of the people involved are likely to be your clients as a lawyer? Is that a problem?

Ms Wexler: I have a very large criminal practice, and in the past I've had a number of conflicts because of my clients being the patients. I can't say in terms of numbers. Those patients involved in the more serious cases always go to Thunder Bay; they have a little better security at the hospital in Thunder Bay. It's hard to predict if there would be conflicts. I would just have to stay away from the area if I were going to chair the board.

The Chair: Is there a member of the government party? We still have about five or six minutes.

Mr Stephen Owens (Scarborough Centre): Mr Runciman started to explore the area with respect to balancing the needs. As he indicated, we have seen some fairly significant examples of where the system has broken down. However, we certainly don't hear about the examples when the system doesn't break down and does work. My question to you, and I'm not even sure there's an answer, is how does a panel person or a co-chair balance the needs of the providers, the patient and the receiving community?

Ms Wexler: Our job is to apply the legislation, and what you have to do is balance that with the doctor's recommendations. Very often the doctors don't appreciate what the legislation means in terms of the treatment of the patient and you have to sift through that to find out whether they're following the legislation or not in their recommendations. What's required is a careful analysis of the doctor's diagnosis and the history of the patient. I think from that you can assess the risk to the community of potential release of a patient into the community. You can also assess the needs for treatment of a patient against the patient's will. I think the board has a lot of leeway in terms of treatment against the patient's will, even though the legislation sets it out very narrowly.

So all those interests are dealt with in that forum. It would be hard for me to say anything from experience because I don't have that experience, but I have worked on both sides. I've defended and I've prosecuted, and I think with that appreciation you can assess what a doctor is saying, assess the diagnosis and decide how risky it is to let somebody go.

I've always been on the other side, where I've been begging the hospitals to keep my clients because I don't find adequate resources for them in the community.

Mr Owens: That leads me to a second question, about the Consent to Treatment Act the government is currently working on. From the perspective you have now, and perhaps into the future should the appointment be accepted, how do you see that impacting?

Ms Wexler: I'm not familiar with the new legislation; I haven't read it. I'm not exactly sure I can answer that question structurally. I know in general that combined with the new Advocacy Act that's being proposed it's going to give the patient a lot more of a voice and more consideration of the patient's concerns and more consideration of the whole issue of consent than the doctors have previously given. But I can't even guess the impact. I don't know what it's going to say in the final run; I know it's probably going to have a lot of changes before it reaches that stage.

Mr Owens: Maybe a year from now we can have you back and you could share an opinion.

Ms Wexler: I'd be happy to share my opinion at that time.

Mr Bradley: A couple of very brief questions along the same lines. I was very interested to hear one of your last comments about what side you were on in some of these issues because of the lack of adequate facilities within communities.

Ms Wexler: I'm sorry to interrupt you, but we suffer greatly from a lack of resources in the north of the province. I'm very sensitive to that issue.

Mr Bradley: A concern I would ask you to respond to, perhaps at the risk of a bit of repetition, is that about psychiatric patients going back into the community. When the pendulum swings one way or the other, everybody gets on the pendulum as it goes. Virtually everybody thought deinstitutionalization was the route to go because it offered a lot of advantages to people. Has it been your experience that people who have come out of institutions, however, have themselves, and their families and others, often been placed in jeopardy by the lack of adequate facilities?

Ms Wexler: Absolutely.

Mr Bradley: I guess the only answer that leaves you with—it's a bit of a leading question perhaps—is that you almost have to keep these people in institutions or take a big chance and put them back into the community. Where do you see it going?

Ms Wexler: If you can find the grounds to keep them in the institution, you'll keep them in the institution as long as the doctors are willing to treat them.

Mr Bradley: Because people who have psychiatric problems usually require an advocate or tend not to phone the constituency office of a member, I suppose I tend to get a lot more calls from the families of these people, saying they'd like to see the law changed so they can't get out and hurt themselves and so on. In the long term, what do you think is going to be the solution to this problem, or is there ever going to be one?

Ms Wexler: In view of the recessionary times, it's very difficult to just say that the government has to put in more resources, because it's not a realistic request. The

problem is that in addition to this area you have the Young Offenders Act, which was brought in by the federal government, and a whole system set out whereby young offenders are supposed to have a complete structure of resources, which they don't have either. So the two systems working side by side are suffering together, and as far as I'm concerned it's a double problem.

There aren't enough hospitals, and there aren't enough follow-ups to the hospitals. I don't find I have a choice with my clients as to where they should go when the doctors say: "I can't keep them in the hospital. I'm just warehousing them, I'm babysitting them." You want the client to go on to something where he's going to be monitored and not loose in the community, where at least he would be in a setting that's going to do him some good, rehabilitation of some sort or some treatment, but there isn't anything. There's a smattering of group homes.

There's nothing in the north to deal adequately with the issue of solvent abuse for the native people. This is a tremendous problem that's coming into the mental health system now because these people have brain damage from sniffing, and there's nowhere to send them. The hospitals can only keep them so long. They detoxify them, then they let them go back to the community, and the next day they're in trouble again. They can be violent.

1030

Mr Bradley: This is very difficult, particularly for a person from the north. I was born in the north, sort of. You would laugh if I said "north"—

Ms Wexler: I'm not from there originally.

Mr Bradley: But you'd laugh if I defined "north" as where I was born, but in southern Ontario they think it's north.

I know people have resented the fact that in order to get service, they have to send people to the south, at least on a temporary basis. Knowing the danger that presents of making it permanent, is part of the solution in fact to send people to southern facilities?

Ms Wexler: That's what's happening. I've had to send young people to the Syl Apps Treatment Centre just outside Toronto because there's no adolescent facility in our district. We have a choice between Ottawa or Toronto, and Ottawa won't take the solvent sniffers so they come to Toronto—if they can get in. That's all we have.

Mr Bradley: The danger I see in that, and I think all of us would, is that they are then away from family and friends and so on in an entirely different atmosphere. But I don't know what the solution is if you don't do that for now.

Ms Wexler: There is no solution. They're away from their culture. It doesn't usually work very well. It works for a time and then they go back to the same problems they came from.

Mr Bradley: I wish you well.

Ms Wexler: Thank you.

The Chair: Thanks, Ms Wexler, for coming here today. We do appreciate it. As others have said, you have

some very tough and challenging responsibilities, and I'm sure all of the committee wishes you well.

Ms Wexler: Thank you very much. May I be excused?

The Chair: You may.

HOWARD RESTOULE

The Chair: Our next witness is Howard Restoule. Mr Restoule, I welcome you to the committee. Mr Restoule is an intended appointee as a member of the district welfare administration board in the district of Cochrane. Again, this is a half-hour review. Mr Restoule was selected for review by the official opposition, so I'm going to look to Mr Bradley to begin the questioning.

Mr Bradley: Welcome to the committee. I'll ask a general question first of all. Looking at the membership of the committee, we are all from southern Ontario so, again, we may not be as acutely familiar with the challenges you're going to face as perhaps some of the northern members would be. Could you in a general sense share with the committee some of the problems that perhaps are unique to Cochrane, as opposed to those of us who sit in urban areas of southern Ontario, in terms of the job you are going to have?

Mr Howard Restoule: Certainly there is considerably more job scarcity. Employment has been dropping considerably, which has an effect on the welfare system. In my capacity I deal with a lot of native people, who have depended a lot on the welfare system. Travel is a major problem. Transportation, long distances, pose problems not only for native people but a lot of other people; shortage of money and so on. That of course generally ends up with the welfare system having to assist.

Mr Bradley: You face some different problems perhaps even in terms of the base funding you can get, local funding that can be derived. Many municipalities are complaining they're overburdened with welfare costs at present. They would certainly like the senior levels of government to assume all those costs, and senior levels of government don't have much more money.

Are you seeing situations where you've got different kinds of people now coming on to the welfare system, from your observation in your area, people who never contemplated ever having to seek welfare? Are you seeing that in that part of the province as well?

Mr Restoule: Yes, that is certainly becoming a fact of life because of the way the economy is going, the unemployment insurance system being cut as well or periods of benefits being shortened and so on. It ends up that everybody can't find any jobs, so they end up looking for assistance.

We become aware of that because in my capacity as an executive director of a native organization I do help out a lot where the applicant does not qualify, just definitely does not qualify under GWA. Then we step in, because we do fund-raise and so on and we are obligated to some extent to provide community assistance, and we do that. So we do help a lot and that is how we are so well aware, perhaps a lot more than the average citizen is, of what the situation is really leading up to, because we have people

coming into the Friendship Centre looking for assistance because they just don't qualify under the GWA eligibility criteria.

Mr Bradley: We have other circumstances being faced probably across the country, but we can only speak for Ontario, I guess, those of us who are on this committee. When the Social Assistance Review Committee looked at the whole welfare system in the province of Ontario, it pointed to this; the government has talked a bit about this and the minister made a statement in the House the other day. It's all to do with, let's say, supplementary assistance to people as opposed to going on general welfare.

One of the problems I encounter as an MPP is almost having to say to somebody—I wouldn't say it—but almost having to say, "You're better off to quit your job and go on welfare in the circumstances you're in," because they face some very difficult circumstances at home. They cannot get a lot of the benefits that are associated with someone who is eligible for GWA and they're working at a job that doesn't pay very much money. You never like to advise anybody, but in some circumstances it's so tragic that you almost tell people, "You should at least consider general welfare assistance and quitting the job."

Do you see an advantage to providing supplementary assistance to people who have some kind of income, some of the same benefits that people have who are on general welfare assistance, as opposed to simply telling them to go on general welfare? Do you see that as being the future of our social program?

Mr Restoule: I was raised in a period, of course, where there was little or no welfare at all. There was something you called "relief," and I think you got food vouchers and that sort of stuff. Yes, I think I would have to agree that is something that may very well be worth a try.

I believe very firmly that we certainly have to look at something; we have to look at alternatives. It's very true what you're saying, that "I might as well be on welfare," because the minimum wage is so low and the welfare system pays reasonably well, certainly when you take in subsidized housing and so on and that kind of stuff. It's certain that something has to be looked at.

1040

Mr Bradley: I think we all, and each one of us in our constituencies, encounter this particular problem. I guess what we have to do, and what you will encounter, is that we have to be less quick to criticize when we see some of the people who are receiving assistance. What happens is that it sounds like a good idea; everybody says, "Yes, isn't this a good idea." So some supplementary assistance or benefits are provided, and then a newspaper headline says that somebody making \$30,000 a year is getting welfare, and everybody goes in the opposite direction.

But that's essentially what's going to happen if we're going to keep people—say someone with four or five kids in a family, perhaps only one of the people in the family working, at somewhere around \$28,000. Most people would be very annoyed to hear people were getting assistance. I know the limited number of job opportunities you have in your area of the province compared to some other

areas where there are at least a few more job opportunities, so I suppose we'll all have to hold our tongues when people who are working are getting what we would generally call some kind of welfare assistance.

Mr Restoule: A system like that would certainly have to be looked at and have a lot of guidelines and maximums and so on. You just can't come out with a specific amount based on so many children and ignoring the amount of money the person makes. I think they have to work together. I believe very strongly that something has to be looked at.

I suppose I'm from the old school where you have to carry your own load, and I have done that all my life. I've been in the workforce all my life, educated myself at 40 years old so I could continue and maintain my being in the workforce. That's what I believe in. However, it can be difficult to indoctrinate a society, I suppose, that has different viewpoints now and has been raised with different attitudes.

Mr Bradley: The last question I had—is there no time?

The Chair: No time, sorry. Mr McLean.

Mr McLean: Are you familiar with the operation of the board?

Mr Restoule: I would say I am, yes. I've served on several different boards. I attended workshops on parliamentary procedure, rules of order, that sort of thing.

Mr McLean: Have you had the opportunity to review the SARC report?

Mr Restoule: No, I'm sorry.

Mr McLean: It's a major report that was done, and it's what the general welfare mainly is based on today: a lot of the recommendations from that report.

Are the children's aid societies part of the mandate of the board you're being appointed to?

Mr Restoule: I'm sorry. I don't know, really.

Mr McLean: I was reading some of the briefing stuff we got and it said, "Services provided under the Homemakers and Nurses Services Act," and I was just curious if you were familiar with any of those aspects of the operation of the district welfare administration board?

Mr Restoule: I only know that the funding is from the same ministry.

Mr McLean: What would be the case load of welfare recipients in that area? Any idea? We have some statistics that indicate 5,980 in 1991. That doesn't seem to be a large number if it's an area like Cochrane, Kapuskasing. Is Kapuskasing in the Cochrane district?

Mr Restoule: Yes, exactly what I would say: That is underquoted; it has to be. I'm not familiar with the figures, but if I were asked for an estimation I would certainly put it much higher than that, when you're looking at the population.

Mr McLean: In the area you live in, what percentage would be on general welfare assistance: 20%?

Mr Restoule: Are we talking about one community?

Mr McLean: The community you live in, yes.

Mr Restoule: In Cochrane, I would estimate it to be at least 20% of that population, and the population is 4,500.

Mr McLean: You're well qualified, and I wish you all the best in your position.

Mr Restoule: Thank you very much.

The Chair: Mr Frankford and then Mrs Carter.

Mr Robert Frankford (Scarborough East): Just picking up a bit on Mr Bradley's comments about incentives or the reasons people have an incentive to stay on assistance, one of the incentives is non-monetary benefits. I would mention things like prescription drugs and dentistry. I know this happens in areas I've been familiar with. Could you comment on the extent to which this happens in your area?

Mr Restoule: I must say I have a bit of a problem with my hearing; I'm waiting to get a hearing aid. If you would—

Mr Frankford: Are you aware that the ability to get prescription drugs and possibly dentistry—although I don't know if this would apply—and maybe other health benefits would be an incentive for people to be on assistance?

Mr Restoule: I've certainly heard it said by welfare recipients. That comment has been made and I've heard it. It's something you take note of, that it is a benefit: "I'll be covered for everything." So it does create some kind of incentive to going on welfare.

There doesn't appear to be too much concern, particularly by the unskilled labour force. There is certainly not much encouragement to continue working, or conversely, not much concern whether they lose their job because the job they have is, in a lot of cases, small industry, small commercial, two, three, four or five employees, firms which don't have benefit plans. So if they have to pick up their own medical costs for drugs and whatever, those things other than OHIP, then there really isn't too much concern, because while they may get a lower amount of income on general welfare, the benefits are there, and if it's anybody who has a family who has to buy drugs all the time, well, it certainly would be an incentive.

Mr Frankford: If I can ask another question just for my enlightenment, am I right that registered Indians in fact are entitled to those benefits from the federal government?

Mr Restoule: Yes. If you are a treaty Indian—and I'm sure everybody is aware of what that means—you are eligible for all the benefits there are, whether you are living on or off the reserve.

Mr Frankford: In your experience, do all treaty Indians get all the health benefits they are entitled to, or is this more of a theoretical right?

Mr Restoule: All they are entitled to; there are more benefits. I have employees who are treaty Indians who we do not have on our benefit plan, which is certainly a benefit to the employer, the organization, because the premium is that much less; and some they get our benefit plan doesn't have.

Mr Frankford: Would they get full dental coverage?

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Mr Restoule: Yes, they get full dental coverage, eyeglasses I think once a year, things like that. My organization doesn't cover eyeglasses, and for certain things you only get a certain percentage in coverage.

Ms Carter: You have backed up your belief in self-sufficiency both in your own life and through your involvement in the community; you've been involved in projects that provide training and employment opportunities for other people. I was just wondering if you could tell us something about these involvements and how your experience there will help you in this new appointment.

Mr Restoule: You're talking about training. Most of you may have heard of the Pathways to Success native training program. It's federal money provided for training of aboriginal people. I believe, because I'm sitting on that board and becoming much more knowledgeable in the internal and specific functions of the welfare system, I see where I could convince my colleagues as well as people in general of the importance of the training.

Of course, my people in particular I communicate with more than others in my job. It is very difficult to talk to them about what I did in order to maintain myself in society, but I believe if I become more knowledgeable and able to see firsthand a system that maybe has to be reviewed and, I don't know, maybe some cutbacks or whatever, and look at alternatives, my emphasis may be to have a more profound feeling with the other people.

At this training board I'm on, Mamo, the Wichi Hitewin area management board, I see a lot of applications come in that are the same type of applications we have received all over the previous years. It does provide some training, but it's not the type of training these people will get going into urban communities to fill the reportedly 350,000 vacancies that exist in Canada today, all high-tech job vacancies. That is the kind of training I would like our people to get into, and I need something to convince my colleagues. It's very difficult for a lot of these people to deny an application that comes in, because it's your own people, you're living in that community or the representation comes from these communities. There needs to be convincing.

Ms Carter: But you've been involved in quite a lot of aspects. For example, you're involved in a native housing program, which presumably is helping people in your area get established. Could you tell us something about that?

The Chair: Briefly.

Mr Restoule: There was a tremendous shortage of housing for people in Cochrane. Our people, of course, were highly discriminated against, which I believe exists in a lot of areas, and they were living in the worst conditions, so we saw the need, I saw the need as chief executive officer, proceeded to inquire and made application and got what they call the urban native housing program started in Cochrane with 10 units, and it just went on from there. It's subsidized housing, much like Ontario government housing.

The Chair: Thank you very much, Mr Restoule, we appreciate your appearance here and wish you well.

Mr Restoule: Thank you all.

The Chair: Before I call the next witness, based on the concern Mrs Carter expressed about the Chair participating in these discussions, I've been chatting with the clerk at length about this. I can, after thinking about it, appreciate the concern you have in that these interviews are restricted in terms of time with segments allocated to each party, so in future what I'm going to do is that if I have an interest, I will reserve time from any party that wishes to give it to me and remove myself from the chair.

But I also want to make the committee aware that this is something I have done and hope to continue to do when we're dealing with agencies, boards and commissions. I intend to continue to pose questions from the chair, and I intend to do them in a non-partisan way. I think when we're reviewing ABCs, we traditionally don't get into—I have found anyway—questions of a partisan nature.

If we have difficulty with that, when the time arrives we'll just have to get an opinion from the Speaker or the Clerk of the House. Mr McLean?

Mr McLean: On a point of order, Mr Chair: I've had the occasion to chair the odd committee here myself, and there's nothing in the rules that prohibits the Chairman from taking part in any debate. If there is, I'd like it pointed out to me.

The Chair: I'm just trying to calm the waters here. I appreciate what Mrs Carter was saying and I'm going to try to respect that concern.

Ms Carter: I'm not sure what the regulations are but my feeling is that if you make a point of it and hand over the chair temporarily, that seems to me to be a more satisfactory way of doing it.

The Chair: I appreciate the concern and I'm going to respect the concern. I just wanted to draw to the attention of the committee that when we're dealing with ABCs, you may have reason again to express that concern and then we'll deal with it at that time.

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JAMES ROBERT PETTIT

The Chair: Our next witness is James Pettit, who's an intended appointee as a member of the Pesticides Advisory Committee. Welcome, Mr Pettit. You were selected for review by the Conservative Party, and I'll ask Mr McLean to lead off the questioning.

Mr McLean: Thank you, Mr Chair. Welcome to the committee, sir.

Mr James Robert Pettit: Thank you.

Mr McLean: I'm a farmer, so we've selected you as one we want to look at because of some of the rules and regulations with regard to pesticides. The question I want to start out with is that the federal government regulates it and the provincial government observes, I guess, and looks after the storage and that part of it. We in Ontario import a lot of produce, and in a lot of that produce pesticides have probably been used which are banned here in Ontario. How is that allowed to happen?

Mr Pettit: As you point out, it is the federal government, under the Pest Control Products Act, that regulates that. We've raised that issue a number of times with the federal government. The other issue is related to the fact that some of our producers don't have the same products as their competitors across the border.

As to the answers we get from the federal government, they use pesticides in South America, for instance, or in other countries that they say are not considered dangerous to human health, but we consider them, in most cases, dangerous to the environment. We push the point to the federal government that it should be talking both sides of the street.

The Pesticide Act provincially does not allow us to stop importation provincially of products that have been treated with pesticides outside of this country. Some of those issues, I think, have been addressed most recently by Agriculture Canada, and as you probably realize, there has been a federal pesticide review that was released a couple or three months ago.

Many of the issues are still unresolved and we're still banging away at them, but I agree with your point that it seems unfair for Ontario producers to compete with products that are not allowed here because of the fact that they are dangerous to the environment.

On the other hand, from the other side of my shoe, which is food quality and safety, I'm concerned about products being used in a less regulated way in other countries and then shipped to Ontario.

Mr McLean: There's been a lot of bans on pesticides over the years, such as the sprays; atrazine and some of those things are not being used like they used to be. Do you feel that the program we have in place is stringent enough in areas such as the Holland Marsh, where there's a heavy concentration of vegetable-growing, that the regulations are being followed properly?

Mr Pettit: The regulatory side, of course, is the Ministry of the Environment. Our side is mostly the education and laboratory monitoring. Now, we work very closely with the pest control officers of the Ministry of the Environment.

You can never say a situation is perfect, because there is no such thing as a perfect situation. I do think, however, that we've made very major strides, both from the educational side—we've developed a program, as you realize, Food Systems 2002, which is designed to reduce pesticide use. We've also worked very closely with the Ministry of the Environment in things like getting rid of orphan pesticides. We're doing pilot projects in that area.

I think a lot of the new products coming on to the market are both environmentally and in terms of human health—if you want to use that term—safer than the ones we had before. Our integrated pest management programs that we're working very hard on are designed to try to focus the treatment on one problem, rather than the shotgun that was traditional in the past, and I think we're getting a lot closer to being better.

Mr McLean: You're probably very well aware of the advisory committee.

Mr Pettit: Yes.

Mr McLean: Has the Ministry of the Environment given you any directions or any suggestions of certain areas you should be looking at with regard to pesticides?

Mr Pettit: My background is as a veterinarian and then coming out of the livestock business, and now I am the director of the Ag and Food lab services branch—that has the provincial pesticide lab in it. I've also got background in some of the food safety issues; pesticides are down the list, but it's always an issue on the consumers' list. I guess, along with the experience I had in the past in the area of animal welfare, those are probably the four or five areas that I can help contribute to the discussions.

Mr McLean: That area of jurisdiction you just mentioned went from about 12 employees to about 121 employees?

Mr Pettit: I'm sorry?

Mr McLean: How many employees increased in that area you're the director of?

Mr Pettit: How many did it increase? It'll be increasing over a number of years, sir, I guess about 55 over five years, if I'm not mistaken.

Mr McLean: I'd read somewhere where it went up substantially, and I was just wondering if there was two areas put together.

Mr Pettit: Yes, actually in the new laboratory we're putting together, there's the provincial pesticide lab; we're moving the veterinary toxicology lab in with it to try to save on equipment, because chemistry is very, very expensive; we're also adding the plant disease or the pest diagnostic lab to it, so these people are coming from other areas into the unit, and then we've added, as you know, an enhanced food quality and safety program, which will gradually build in the building over the next five years or so.

Mr McLean: Would that all be part of the restructuring of the ministry moving to Guelph?

Mr Pettit: Yes, we're on the site where the new building will be.

Mr Owens: I have an organization in my riding called Families Against Toxic Environment, and it's their goal and aim to encourage home owners to move away from using toxic pesticides and herbicides in the treatment of their lawns and trees. Is there any kind of comfort I could give them, from your perspective as a potential board member, in terms of encouraging manufacturers away from the use of chemical agents and moving towards more organic means of the control of pests and other plant diseases?

Mr Pettit: The issue is one that I know OPAC has been asked to comment on and review, and it's one I know the present minister is very interested in. It's a little bit out of the Agriculture and Food area which I sort of represent, but just as a perspective on pesticides in general, one of the things that I see with urban Canada is that I think there's a need to talk to people about what they're doing to their lawns. I counted this morning before I came and I have 11 dandelions on my lawn. I expect by tonight the fellow next door will be talking to me about my dandelions. That's the psyche in urban Canada. I think it's important to realize

that a dandelion is not going to do any damage. It may be yellow or it may be whatever, but it's not going to do a lot of damage.

On the other hand, I think some of the research that's been done—I mentioned the pest diagnostic facility earlier, the plant disease thing—we've been looking at controlling grubs through organic means. A simple solution for lawns is, don't cut it so short. That's one example. In urban Canada we tend to cut our lawns that high, and as soon as we do that and the sun gets there the roots are exposed. Once those roots are exposed, then the seeds of dandelions or plantain or anything else can get in there and then we turn around and treat them and fertilize them to get them to grow.

I think the basic thing is education. I think the government can show some leadership in some of the programs the Ministry of the Environment is presently setting up in urban Canada. I think our ministry has been very supportive in some of these areas in rural Canada and rural Ontario as well.

Mr Owens: I guess there's always been tension between rural and urban users and consumers of products. If you look at the last big scare with respect to Alar and the tension that was created between the industry and the advocacy groups, do you see a role for yourself in terms of looking at research around pesticides and to determine whether the correct levels of research have been carried out using correct control situations?

Mr Pettit: One of the advantages—I have been in both the Ministry of the Environment's world and in ours—is that I have access to both research streams. Our laboratory itself does a fair bit of research. It's mostly minor use in trying to get toxins down to a level we have no concerns on. But I can see the work the Ministry of the Environment is doing, the work we're doing through our Food Systems 2002 program, as being research directed exactly down the line that you're talking about.

What we basically want to do is get away from the broad spectrum. Besides everything we can talk about here about environment, human health and everything, broad spectrum treatment costs money. In the past, when I've worked in the poultry industry at one time, they treated for everything at one time and that cost money, besides the health and all the other concerns, so the idea from the professional support unit is to try to focus it. If you have a parasite that needs treatment, or if it's a fungus or a weed, then let's treat the parasite and let's not go after everything else. That's what we're trying to do in some of our programs. I think the Ministry of the Environment research is very supportive of what we're doing as well and vice versa, so those records of research projects are available. If you're interested in pursuing titles and that, MOE has them.

The Chair: Okay. Mr Wiseman, then we have Mrs Carter and Mr Klopp and you've got about five minutes.

Mr Jim Wiseman (Durham West): You talked a little bit about physical constraints. How are you going to prioritize the projects for funding that you're going to be look-

ing into? Have you any ideas about how you would structure that?

1110

Mr Pettit: In the research area? What happens with research projects is that the committee gets together and decides on priority areas. My priorities on the committee are probably somewhat different from the farmers' and the MOE staffer's and all the rest of it, so we discuss it similarly to what you're doing here and we come up with, "This is a top priority, this is second, this is third."

Now on the OPAC side, on the Ministry of the Environment's side, obviously the Minister of the Environment may have an interest that she wants us to look at in detail and that would be a priority issue we'd consider. On our side, on the Agriculture and Food side, our growers and our stakeholders would have issues they want us to deal with, some of the cross-border things and some of the minor use things. So we would prioritize ours somewhat differently than MOE but we're very close on where we're going.

Mr Wiseman: Thank you. I have more questions but I talk too much.

Ms Carter: Just a remark first of all. I like dandelions. They look nice, you can eat the leaves, you can make—

Mr Pettit: Wine.

Ms Carter: Yes, wine, whatever. You can give the leaves to your guinea pigs. You can let kids pick them so they don't have to pick the tulips and so on, but I don't want to go into that.

Just a personal question I have. How do we stand in this province and in this country now as regards irradiated foods? I believe there's a plant doing this in Florida and I haven't seen anywhere whether any of this stuff is actually coming into this country and how we would know if we were buying it.

Mr Pettit: Irradiation has been approved. It's a federal responsibility. National Health and Welfare has approved irradiation for certain foods but it has to be labelled. In any of the tracking studies done with consumers very large percentages of them will not accept irradiated food. The safety issue is aside. It's been shown that it does not affect food, but the consumer perception is that it is dangerous to eat.

Ms Carter: Well, it doesn't make the food radioactive but it does alter its composition in other ways, so that in a sense it does affect it.

Mr Pettit: Yes, you're right there. I'm sorry, I meant the radioactive thing.

Because of the fact that it has to be labelled, consumers aren't buying. People sell food. If they won't buy it, they don't go that way. There's been a lot of controversy over it.

Ms Carter: But I thought that if it was an ingredient in some more complicated food that it wouldn't necessarily appear on the label. I also wonder about things like onions. You know, if you buy a bag of onions, say, at a market, whether you would know if those have been irradiated.

Mr Pettit: You're right on the ingredients. You don't have to label it. On the onions you would have to. As far as I know, there are no irradiated components being used in Canadian food. Health and Welfare Canada would be the source to find out for sure, but that's my impression.

Ms Carter: So any irradiated food would have the little flower logo on it?

Mr Pettit: Well, yes.

Mr Paul Klopp (Huron): How are you doing?

Mr Pettit: Fine. How are you?

Mr Klopp: Long time no see. First off, I'm glad you've taken this job. In reviewing the process I guess that's where I find a little question coming, from the PA to the minister. How will you find the time with the work you do in the ministry and in this job?

Mr Pettit: OPAC is a top priority for me. It's a monthly meeting, for a half-day. There's a research symposium in January and there are one or two tours in the summer when we go out to those areas. I make the very best effort I can to get there. Once I lock it into my book, I will get there most of the time, and I intend to make it a top priority.

Mr Klopp: Through the ministry then, would it allow me the opportunity to talk to you from that side so that you can take stuff in or give stuff back to the minister? It's a two-way street then, eh? The door's always open?

Mr Pettit: Yes. The role I'm filling is that of the OMAF representative on OPAC and that's my job: two-way communications and input in, that sort of thing, and also our clients.

Mr Bradley: The first question I would have, I guess, is about the food basket. You will recall that at one time there was a report put out on the food basket of the province of Ontario where tests were conducted of the food and then the results were provided to the people of Ontario. I have not seen one of those for 18 months or more. Are there any plans to put that out so that the public may make a judgement on the amount of pesticides that are found in foods and the poisons that are there for one reason or other?

Mr Pettit: The majority of that work comes from Health and Welfare's food basket. We do participate and the Ministry of the Environment's lab does participate in the regional area here, so the data are still going in to the federal government. If it isn't coming out, it's beyond my control.

One of the things we will be doing in the new food laboratory, though, is looking at those types of issues. I can't promise that you can do everything in one lab, but as issues come up, that's what we'll be trying to do.

Mr Bradley: Very often when Health and Welfare Canada won't do something, the provincial governments take the initiative to do it. We don't just say it's the federal government's responsibility and then run and hide in the corner. We have tended to be aggressive in Ontario in fact in doing these tests and providing information. There's always the danger, of course, when you provide that information to the public they may become alarmed, although I

suspect in May 1992 it would be found on page 62 of the newspaper rather than page 1 in glaring headlines, for a variety of reasons I won't get into.

Is there any thought that you're aware of that the province in fact may initiate these tests exclusive of the federal government and provide the information to the public of Ontario in a timely fashion?

Mr Pettit: If you're focusing strictly on pesticides, yes, I expect we will continue to do that.

What we've done traditionally in the past is produce scientific papers and they don't get the press that you required or were requiring. So what we are doing in the new program is trying to put a consumer-friendly communication front on it and the idea is, we'll take the information we've gleaned from our work and from elsewhere and try to put it into language that can be understood by the shopper and by the consumer in general.

Some of the time, as you know from other experiences where you get a point something part per billion, people get frightened and yet if it's not explained they—it should be explained. It's only fair that it should be. Yes, we are trying to do that as part of the food program.

Mr Bradley: I can remember when points per quadrillion were alarming to the people in the province of Ontario.

Mr Pettit: Yes. I remember Hagersville and a few places.

Mr Bradley: In lots of places they were very much concerned. That seems to have abated somewhat as we get into a difficult economic time. I know people on the committee who are concerned about the environment are concerned that it gets buried now in the back pages, because they were very concerned years ago about the environment and that concern remains.

Termites in Toronto: How are we going to get rid of the termites in Toronto?

Mr Pettit: A long way from Agriculture and Food. Actually, there's an individual I did discuss that with. Unfortunately, I didn't listen enough to be much use on this particular question.

Mr Bradley: That's fair. I realize it's something you will have to deal with because the products that are used to kill the pesticides in Toronto aren't always products—pardon?

Mr Wiseman: Kill the termites.

Interjection: Kill the pesticides, that's a good idea.

Mr Bradley: Kill the termites. The products used to kill the termites in Toronto are not always popular in other places, except in Toronto.

Further regulation of commercial use of pesticides is something that's going to annoy some people, but if it annoys them, that's too bad. Do you see the committee moving into further areas of restriction such as recommending mandatory prohibition of the government of Ontario, the government of Canada—well, I can't regulate Canada—but the municipalities and so on in terms of the use of pesticides on properties they look after, such as playgrounds and so on? I know some municipalities have

taken the initiative. Others, when you mention the very idea of that, the director of parks and recreation has arrows pulled back like this.

Mr Pettit: In an attempt to answer that, I think much of the question is political or policy, but in regard to the committee, generally speaking when we are asked to respond to questions of whether it's practical, how you would do it or how you could encourage it, those types of things, I think the committee is wide open to discuss that type of thing. I don't think the committee, since it's an advisory committee, has the power to go to the city of Toronto and tell it, but I'm sure, the minister or others could. That would be as good as I can do with that.

Mr Bradley: The Minister of the Environment at this time of year, and probably earlier, will have on her desk applications and will have on the telephone the people at the other end of the line saying if it's not approved the entire potato crop is finished for this year.

Have you been able to determine if there is a way of dealing with the applications for new products more expeditiously, without taking away all of the safeguards that are there, other than hiring a new raft of people?

1120

Mr Pettit: We have shortened the turnaround time, if you want to call it that. As you know, you have to have time to review this stuff and do a reasonable job on it.

Mr Bradley: Yes, that's the problem.

Mr Pettit: We're trying to cull out any wasted steps and wasted time. It seems now that we can get things within a couple of months. I don't think we can realistically get much shorter than that. We've got to train people to come to us earlier in the spring, earlier in the winter. One success recently was Nova fungicide; it was a product the people in rural Ontario wanted this spring, and they got it. There's another one that hasn't been so successful. So you win some and you lose some from our side and, I'm sure, from the Ministry of the Environment's side.

Mr Bradley: A question about public education: Most people in the public and some members of the committee who've had farm experience would know that the public wants good-looking food. The Alar situation allows for the apple to stay on the tree, I understand. It's not a pesticide but a hormone, I think, and it allows the product to stay on the tree a week longer so it's nice and red. Most people who've bought apples in years gone by, the general public at least, want good-looking food, "But please don't use pesticides to make it good-looking."

What kind of public education programs do you contemplate in the future or are going on now to show the public that if the apple isn't as red as this, in fact it is still just as good to eat?

Mr Pettit: What we've tried to do and are trying to do as part of our communications area, along with the Ministry of Health and the federal government, is develop a program we're calling the community food adviser program. It's not designed to be a food safety program so much as a food handling point of view. It gives us opportunities to train trainers in different communities and have

them work similarly to what we've done in our master gardener program. It takes a big load off government which we can't afford, but it also allows us to disseminate federal and provincial information out there.

Involved in that can be some effect on the issue you raised: It doesn't have to be a perfect apple to be nutritiously safe. The goal is for consumers to be knowledgeable shoppers. If they buy Ontario products or Canadian products they'll know they're under a certain control system, that this or that thing might or might not be significant; we want to tell them that. So that program's one.

The other thing we're attempting to do is put together a number of food facts articles. One recently was on sensible nutrition for seniors that we produced with the Ministry of Health. That goes step by step through how to handle foods, what it means, where they come from and that sort of thing, and how to put things together at the end for single servings and that sort of thing. We're going to target that at some of the other areas as well.

I think the issues you raise are the same issues we pick up on our consumer information centre lines about 50,000 times a year, and we're trying to put packages together so that we can supply people with that type of information.

Mr Bradley: My last question, Chairman: Now that I've spent four decades and a little more on earth and I have accumulated so much dioxin, could you tell me what percentage it is likely that I have accumulated from food products as opposed to air and water?

Mr Wiseman: Preserved you well, though.

Mr Bradley: It has, but it's made me venomous.

Mr Wiseman: We noticed that too.

Mr Pettit: Percentages are dangerous, and it's really hard to read the literature and get a feel. It would appear from the work that the Ministry of the Environment and the Department of National Health and Welfare have done that food, although it's a source, is not a major source. It's mostly the world around us now.

The Chair: Mr Pettit, you're going to have to sum up.

Mr Pettit: Okay. That's the impression they give me. Now, most of the literature I've read will say food is 60%, 70% or 80%. It's obviously a research issue that has to be sorted out in the next decade.

The Chair: Thank you very much for appearing here today; very helpful.

TRENT GOW

The Chair: The final witness this morning is Trent Gow. Mr Gow, take a seat and welcome to the committee. Mr Gow is the intended appointee as a member of the board of directors of Innovation Ontario. The review was the selection of the government party.

Mr Wiseman: I'd like to thank you for coming. This is an area I think is of crucial importance in terms of the next five to 10 years for the economy of Ontario. I say that because some of the reading I've done in the area indicates that in terms of innovations and patents, Canada has one of the poorest records anywhere in the world and that in fact the nations that are patenting and creating new products

are the wealthiest nations, like Japan and Germany. Even the United States is falling way behind.

I'm wondering what kind of things Innovation Ontario can do, and what are you bringing to Innovation Ontario that will help to turn around this kind of problem?

Mr Trent Gow: First of all let me say I'm really happy to be here. I'm looking forward to this experience and I look forward to the appointment, if you choose to make it, because I would agree with you that high-tech innovation is a very important part of Ontario's and Canada's economic development. I don't have a professional knowledge of the issue you're speaking of with respect to patents, but I would agree. My sense of that issue is that you're right, that in fact a lot of Canadian inventions, if you want, or developments, through the educational system we have, have ended up being developed elsewhere in the world, in Japan and in Europe and to some extent in the United States.

Innovation Ontario on the one hand is really an investment agency. I think there really is a serious problem in this province and in this country with the conservative nature of the financial system, particularly in the recession, in terms of providing pre-venture capital and equity investment and helping entrepreneurs with good ideas, good business plans, good management and good people, to pull that together for their own benefit and also very much for the benefit of the economy or for the sector they're addressing: environmental sector priorities, the medical area, biotechnology, for example.

Innovation Ontario as an organization makes those investments. It's a small organization, consistent, I think, with its mandate; 15 or 16 people very much looking at the business plans and making the investments. It's on the financial side. I'm sure that on occasion it's consulted with respect to policy aspects in terms of intellectual property and things like that, but I think it would have to work much more through its sister agency, the Ministry of Industry, Trade and Technology, in terms of some of those policy developments, and through the people in that organization.

I guess my own personal background, as I said teasingly to Mr Green, the board chairman, is that I'm the token schizophrenic on the board in the sense that I have a half government and half private sector background. The first 10 years of my career were in the financial agencies of the federal government, working very much at that level in terms of developing policies and programs to encourage economic development. The second phase of my career has been much more working in the private sector, working with several banks in terms of the interface with government; not so much commercial lending, but dealing with governments in terms of cash management and protecting the Canadian dollar and issues like that.

In the course of my consulting career, which is the business I'm now in, I've taken my government background and my financial services background and have a firm I created several years ago. I guess I would call myself a professional policy analyst. With that kind of background I think I have a good sense of the kinds of issues that entrepreneurs are facing, with respect to technology development, access to capital and help with business

plans. I think I have a good sense of the public policy process and I hope therefore I can make a modest contribution to the board in terms of reflecting some of that understanding and being helpful to the board with the variety of excellent backgrounds others have and providing perspective to making strategic investments so that we make the best use of our moneys.

Mr Wiseman: My second question, and then I'm going to pass it to my colleagues, has to do with branch plants and the fact that much of the research that is done here is in fact owned by the head office. If Innovation Ontario or any other level of government gives them money to do this research, how are we able to make sure we have the benefit of that research here? Should we be giving them money? My own feeling is that if we're giving them the money and the patent isn't registered here in Ontario or in Canada, and if the money that is being paid by other users of the patent is not coming to this part of the province or Canada, then I don't see that we're really gaining anything by lending or giving grants—the taxpayers' money—to branch plants of multinational corporations.

1130

Mr Gow: Basically, I agree with that point of view.

Please say if I don't speak loudly enough. I tend to speak quietly at the best of times, but I don't carry any big sticks.

On average, the profile of the person or the organization approaching Innovation Ontario would be a small Ontario-based entrepreneur or company. The equity provisions they will be provided with are in the range of no more than \$1 million and more in the range of \$250,000. I'm not likely to go to the large companies. You'd like to think that some of them would develop into the Northern Telecoms of the world, and I think there is a track record in terms of the Ontario Development Corp and Innovation Ontario of having made some good investments.

I don't know what the technical answer is in terms of branch plant investments and Innovation Ontario, but certainly the board members, in assessing relative investment opportunities, would want to take those kinds of things into consideration. It's very much within their prerogative, I think, to say: "This particular company is in Ontario, owned and based, and the intellectual property is here and will be developed in Canada and Ontario. That's the kind of company we would like to invest in." So very much my own perspective, should I be a member of the board, would be to bring that kind of view to bear.

The Chair: Mr Gow, we have at least three other questioners, but limited time, from the government party.

Mr Frankford: When I look at what Innovation Ontario is doing, it makes me think of the Ministry of Health which, in its recent reorganization, I believe has set up a section to develop an industrial strategy. Are you aware of that?

Mr Gow: Not in detail, no.

Mr Frankford: Do you see that you would want to cooperate with—or how would you work with a ministry that is doing something like that?

Mr Gow: One of the things I feel personally is that there are certain areas in which Canada has natural advantages in terms of technology or education; telecommunications has very much been one. But my personal view is that two areas that are very important, that can be job creators but are also important in terms of issues that are addressed are health care—biotechnology, if you want to broaden it—and environment.

With regard to Innovation Ontario's support of ideas or technologies or innovations that have potential benefits in terms of economics but also have very direct applications—I guess you have to define your boundaries—whether that might be in terms particularly of medicine development or drug development or technology development in the health care sector, I do think there's a lot of interface between a well-functioning Innovation Ontario and the Ministry of Health, and the Ministry of the Environment in particular. I'd like to see those kinds of associations fostered through the board, perhaps, but also, as I said, through the ministry, which is our policy wing, with which we work very closely.

Mr Frankford: No doubt you read the article in the *Globe and Mail* last week advocating cross-border shopping by Americans for medical care here, an area where I think our price advantage is every bit as good as the differential in gasoline prices—probably better. Is this something you could see active involvement in?

Mr Gow: I'm not sure I would promote that. I think Americans sometimes identify the benefits of education in Canada because it's such a relative bargain. My own judgement, I guess, is that the Canadian health care system is in many ways so superior to what it is for the average American that I could see some very attractive advantages to them—despite some of the rhetoric to the opposite that Americans like to give in election years.

But my primary priority in the health care area would be to see that Ontarians are well served by their health care system; then, if there is a way to profit from it and to develop in addition, that would be great. But the first priority should be reduced waiting lists and providing quality health care, particularly in regions like the north and the east, where there's just not the access to some of the high-tech—not that high-tech in and of itself is the answer in the health care area.

Mr Frankford: But still, they've got a potential market of 40 million uninsured consumers who could provide a great deal of revenue. Thank you.

The Chair: Mr Owens.

Mr Owens: You alluded to a problem with respect to conservative attitudes around pre-venture capital. One of the difficulties I've had on behalf of my constituents is called funding interruptus, where the project is given support up to a point. For instance, a constituent had a wonderful computerized heating, ventilating and air conditioning control system, but he was constrained by the fact that, first, he didn't have the money to go through the testing process required for CSA and Hydro certification; second, there was the issue of the marketing.

What do you see as your role and the role of the board in terms of advocating dollars from the developmental stage right through to the marketing stage, so we can preserve some of the technological advantages we have in this province?

Mr Gow: I think that's a very good diagnosis. I've done some work in the area of the commercialization of environmental technology. I think there's a role that government can play here. You don't want the government to be providing massive amounts of money to winners and losers, but you'd like the government to facilitate the investment process.

For example, I think Mr Philip made some announcements yesterday, and one of them was with respect to an investment centre and facilitating the transfer of business and information about Ontario. I think that's a good role government can play; similarly with technology transfer, through a modest investment of money the government can provide to organizations that provide information with respect to regulations and marketing and provide business assistance and perhaps provide access to or information about venture capital.

So Innovation Ontario Corp could be the venture capital wing, if you want, of a strategy that looked at the opportunities we have in this province and saw where the barriers are with respect to regulations or business or management. You can stop that interruptus.

The Chair: We're well over the time, but given the absence of some other members, I'm going to give Mr Klopp a quick question.

Mr Klopp: It's a pleasure to see you. I noticed you're with the Ontario Development Corp.

Mr Gow: Yes, I'm on the board of the Ontario Development Corp.

Mr Klopp: Which I think would augur well with—I like your attitude. Unfortunately, I've dealt with ODC; your ears have probably rung. Maybe that's just because we don't get to see the board of directors.

The process, from dealing with small companies, is that unfortunately they have to go broke first before they can get a loan at ODC. In one case the chap said, "If he wanted \$200,000 we'd probably give it to him, but all he wants is \$100,000, so he doesn't get it." When I've fought through the system, they've said, "Well, that's just the system."

I mean this in a nice way: Does the board of directors have a process to get out there to hear what's going on in the grass roots? Do people like me send letters to you, so that you in turn can ask your—you know, so we're not being too small-c conservative at ODC.

Mr Gow: I think that's very valid feedback. I've been on the board of ODC for about five years. Over that time, I've seen a real transition. I would say there's still too much bureaucracy, it takes too long and it can be at the very last moment. I guess we can be accused of being conservative on occasion.

We have a fine line sometimes. We're very sensitive to communities that the industries we're looking at are so important to. On the other hand, we're very sensitive to the

fact that we have a responsibility to taxpayers for the money they are investing. So we're trying to balance that, in terms of the things we've done over the last five years and will hopefully continue to do at the ODC level and at the Innovation Ontario level: to make it more decentralized; to make the administration systems more streamlined and responsible; to make the lending officers more accountable; to provide scrutiny as we now do through the audit committee in terms of the operations, to make them more effective—and to listen very carefully to the kind of comments you have.

So I would encourage you, if there are problems, to make them very directly to us, not as criticisms—although that's certainly valid—but in terms of being constructive, because it's only when we know that kind of thing that we as the board can take steps to work with you to make it better. Our motivation is very much to try to improve in those areas.

Mr Klopp: I always give constructive criticism, as all these colleagues know. I appreciate very much the opportunity to vent that. You're right, I think they have made some great improvements—I appreciate that—but every year there's a new way to make a machine and there are always new wrinkles. I was getting to the point where I thought it was no use sending to this body because they wouldn't read the letter, they weren't going to ask, "Can we modify these things?" Thank you for telling me my letter will be read.

Mr Gow: I hope it will be.

The Chair: Mr Gow, thank you very much for your appearance here this morning. We appreciate it.

Mr Gow: Thank you for your time.

The Chair: As the agenda indicates, David Burn, who is an intended appointee as a member of the Ontario Trillium Foundation board, couldn't attend this morning. He was a selection for review by the government party. I think the problem with extending this now is that we're going to run into the time restrictions of the standing order, so I don't think we really have the opportunity to establish another date, given as well that the House won't be sitting next week. Unless we want to take a position in opposition to that appointment at this stage, we'll simply have to let it go through.

Can we have a motion or motions, depending on how the committee feels in respect to intended appointees we've reviewed today, to concur?

Mr Ferguson: So moved.

The Chair: It's moved by Mr Ferguson that we concur with all the intended appointments reviewed by the committee this morning. Any discussion? All in favour? Carried.

Motion agreed to.

The Chair: That concludes the meeting. We're having a subcommittee meeting.

The committee adjourned at 1142.

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Substitutions / Membres remplaçants:

- *Klopp, Paul (Huron ND) for Mr Waters
- *Owens, Stephen (Scarborough Centre ND) for Mr Marchese

*In attendance / présents

Clerk / Greffier: Arnott, Douglas

Staff / Personnel: McNaught, Andrew, research officer, Legislative Research Service

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Second session, 35th Parliament

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Wednesday 27 May 1992

Standing committee on government agencies

Appointments review

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Deuxième session, 35^e législature

Journal des débats (Hansard)

Mercredi 27 mai 1992

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 27 May 1992

The committee met at 1008 in room 151.

SUBCOMMITTEE REPORT

The Chair (Mr Robert W. Runciman): Come to order, please. I welcome our researcher, David Pond, back from his journeys afar.

In any event, we'll move on to the first order of business, the report of the subcommittee, which is attached. I hope everyone has had a chance to take a look at it. Any questions, comments? Seeing none, we'll move on to the next order of business.

APPOINTMENTS REVIEW

Resuming consideration of intended appointments.

GERRY A. BURNIE

The Chair: This is a half-hour review of the intended appointment of Gerry Burnie as a member of the Assessment Review Board. Welcome to the committee, Mr Burnie. This is a half-hour review. Your appearance was requested by the government party. I'm going to look to Mr Wiseman and then Mr Frankford.

Mr Jim Wiseman (Durham West): I'd like to begin by asking how it is that you've come to us today. How did you find out about this position, and what process did you have to follow to get here?

Mr Gerry A. Burnie: The position was advertised publicly about two years ago. I first applied at that time and subsequently received my first interview with the board members in August of last year. This is the second interview.

Mr Wiseman: Do you know how many other people applied or how many other people were interviewed, or any of that information at all?

Mr Burnie: Only what I've been told and that's only very briefly. I believe 140.

Mr Wiseman: It's good to hear that so many people are interested.

My next question has to do with assessment. It's the way people are asked to figure out what their property taxes are. How property taxes are determined is almost a mysterious fog that descends on them in January when their tax assessment arrives and so on. Some houses are valued at market value assessment, as in my town of Pickering. In others you get assessment; your house is assessed and it says it's \$27,000 and so you pay this much tax. Can you shed some light on how that is determined and then from that maybe discuss what your role might be in determining the fairness of tax assessment?

Mr Burnie: In my days as an assessor, directly after market value had come in, the ratepayers whose property I visited were interested in the same question. Market value, as it's presently set out in the act, attempts to arrive at a

value of the property equal to what it would sell for on the open market, ie, willing buyer-willing seller concept.

There are still areas such as the city of Toronto, etc, that are still working on what was known as actual value, which was a value placed upon the property for the purposes of taxation. Actual value has very little relevance to market value. That's why a property in the city of Toronto might have an assessment of, let's say, \$20,000, which is, of course, absolutely no place near the market value of those properties, as we all know.

It all seems to even itself out when it comes down to the setting of the mill rate. The relation of the assessment to the mill rate is that it's based upon the value of the overall assessment for the community divided into the budget; in other words, the budget over the overall assessment. That comes out with the mill rate. With market value the overall assessed value of a community for tax purposes is going to be relatively high; therefore the mill rate will be correspondingly low and the tax bill will be—let's call it fair. With actual value the overall assessed value of the community will be low and the mill rate correspondingly high. We'll arrive at something like, once again, a fair tax bill at the end of it.

Mr Wiseman: I understood that. That leads into the next question: If your house was assessed in 1988 at market value assessment—and that's when they set your mill rate, relatively speaking. That's when they determined what the market value of your house was. You look at 1992 and I know that on my street alone where I live there've been huge drops in the market value of a house, yet there has been no reassessment.

Just to back up one step, what would be the process a home owner could use to apply for reassessment? The second question is: Given the circumstances of the market today, do you foresee this leading to a huge number of people asking for reassessment?

Mr Burnie: Fluctuations in the real estate market take place on quite a regular basis, as I understand it anyway. In 1988, the time you were talking about, the market was a seller's market in that they could ask almost anything they wished for the property. That's correspondingly changed. The likelihood is that it will go back up to something approaching 1988 values, but not likely. In the overall, it will probably balance itself out. Now, I'm talking in an area for which I have actually little knowledge about the real estate market.

As far as the assessment is concerned, every ratepayer—and every person, as a matter of fact—has a right to appeal the assessment upon notice. So the direct answer to your question would be that, yes, the ratepayer has the right to appeal, but very few ratepayers do. Unfortunately, very few ratepayers have a knowledge of either how the assessment is arrived at or indeed that they have the right

to appeal, and the only time they ever consider appealing is at the time when they actually receive their tax notice. I don't foresee that this will mean a lot of appeals, but that's only speculation on my part and I'm afraid based upon just my personal opinion.

Mr Wiseman: Okay, thank you. I'm going to let my colleague Mr Frankford ask some questions.

Mr Robert Frankford (Scarborough East): Do you have familiarity with the board right now?

Mr Burnie: I have familiarity with the board as it's made up. I do not have familiarity with the members on it or anything of that nature.

Mr Frankford: But the procedure—have you attended hearings or—

Mr Burnie: Yes, as an assessor I attended hearings, and I've appealed my own assessment.

Mr Frankford: If I understand, the applicants represent themselves?

Mr Burnie: Yes.

Mr Frankford: They can have counsel?

Mr Burnie: Oh yes, they can have counsel.

Mr Frankford: But the average home owner would usually not—

Mr Burnie: No. The hearings themselves are governed by the Statutory Powers Procedure Act, because it is a right of hearing given by provincial statute, and that's the test. The Statutory Powers Procedure Act provides that the parties to the hearing, which would be the appellant and, if necessary, of course, the assessor, may be represented by counsel at all times. I think very few ordinary ratepayers, however, would go to that extent. It would just be the corporations and people of that nature that would have a real and major vested interest in it.

Mr Frankford: The case for reassessment is generally made in terms of comparing the assessed value of that property with other ones.

Mr Burnie: The precedence on this is that if there is nothing improper, if the assessor has not proceeded improperly, then the assessment is assumed to be correct and it is the responsibility of the appellant, or the onus lies upon the appellant, to show the assessment is wrong. Generally speaking, if some impropriety has not been used in the mechanics of the assessment the general determination of fairness is if the property is assessed equal to other properties in the area. If the appellant can show the assessment is not equal to similar properties in the immediate area, then the appellant has a pretty good case.

Mr Frankford: That sounds as though it puts a big responsibility on the appellant to find out comparable values, which sounds like quite a major task.

Mr Burnie: The appellant has access to the rolls and can select certain properties which are similar in nature to his or her own and compare them, but as I said, the precedents as they currently stand hold that if there has not been any impropriety or illegality as far as the actual assessment is concerned, then the onus is on the appellant to show the assessment is wrong.

Mr Frankford: And there is no assistance by the board if I were an appellant making my case or finding out what the comparable values would be?

The Chair: A brief response, please; we're over the time.

1020

Mr Burnie: The appellant can avail himself or herself of taxations and so on and so forth. As far as I know, that is about the extent of it.

Mr Frankford: And there's no transcript of the hearings?

The Chair: Mr Grandmaître, please.

Mr Bernard Grandmaître (Ottawa East): As a former assessor, I'm sure you're familiar with section 63 and section 70.

Mr Burnie: Not as familiar as I used to be.

Mr Grandmaître: You are familiar with them.

Mr Burnie: Yes.

Mr Grandmaître: I am told that close to 75% of our municipalities in the province have been reassessed under one or the other, section 63 or 70. Also, it's up to the individual municipalities; for instance, Toronto has been a thorn in the side of the Ministry of Revenue since 1953 or even going back to 1946, if I'm not mistaken. Do you think the Ministry of Revenue should impose a form of market value or reassessment of our municipalities in the province?

Mr Burnie: I can only give you my own personal opinion on that.

Mr Grandmaître: Yes.

Mr Burnie: I would say that reassessment probably is advisable; that is, to try to get the whole of the province under reassessment. As I recall, this was the aspiration of the former minister, Mr McKeough. He expected the province to be totally reassessed by 1974. In 1974 that was extended and it has been extended ever since.

I think it makes it very difficult for all concerned, individuals as well as governments, to be working on different values. Uniformity would, I think, probably be highly advisable, although I don't think I would go so far as to say the Ministry of Revenue should impose market value. I think that has to be worked out individually and on a more local basis, but on the whole I would say reassessment is highly advisable.

Mr Grandmaître: I agree with you. Personally, I think back in 1984 it should have been imposed. I remember those days. I remember when Mr McKeough clearly indicated to AMO and the rest of the municipalities in this province that they had 10 years to—

Mr Burnie: The date was 1974.

Mr Grandmaître: Yes, it was 1974 to 1984.

Mr Burnie: Then it was extended and extended and extended and so on and so forth.

Mr Grandmaître: That's right. As I said before, close to 75% of our municipalities have been reassessed. Now the government has instituted a Fair Tax Commission, and to my surprise it is not looking at reassessment of our

municipalities in the province. I'm very surprised because, as you know, municipalities are very limited when it comes to revenues. This is one way of receiving their fair share of the costs for services and so on and so forth. I was very surprised that the Treasurer didn't ask the Fair Tax Commission to look at reassessment. I think most municipalities right now are suffering because of our present reassessment program, which is not equitable.

Mr Burnie: I don't think reassessment is going to solve the financial problems of the municipalities.

Mr Grandmaître: No.

Mr Burnie: The only thing that reassessment is going to do, basically, is to make the system more uniform, more understandable as far as the individual ratepayer is concerned.

Mr Grandmaître: Fair taxation.

Mr Burnie: That's about as far as it can go. If you want to call that fair taxation, because it's an aspect of it, I guess you can, but I don't think reassessment is going to solve the problem. I think it's just going to make the whole system more understandable.

Mr Grandmaître: Understandable and equitable, because I don't think it's fair that my home and your home might be on the same street at the same value—let's take \$200,000, for instance—and you might pay 50% or 60% more or less taxes than I do. I think it's unfair, very unfair.

Mr Burnie: It wouldn't happen on the same street.

Mr Grandmaître: Yes, it's happening on the same street in the city of Toronto, sir.

Mr Burnie: Oh, I see what you're getting at.

Mr Grandmaître: In the city of Toronto, side by side.

Mr Burnie: Because the system is difficult to understand.

Mr Grandmaître: Yes. That's why I say it's very unfair and I think it should be more equitable. Personally, I think it should be imposed, but I'm not the minister any longer, so here's my next question—

Mr Burnie: Well, a market value system certainly would make the whole thing more understandable.

Mr Grandmaître: Yes, absolutely, because it's difficult for people. I was listening to your explanation, a very good one, on mill rate and so on and so forth. You're right on, but I think 99% of our people don't really understand what fair market value or assessment is all about. Very few people know what a mill is or how this mill rate is established.

My other question is, do you think the Ontario Municipal Board should be involved? Once people have appeared before your board, if they are still not satisfied they can appeal to the OMB, right?

Mr Burnie: To the judge of a county or district court in between, but ultimately to the OMB. I'm generally in favour of an appeal system. That is to say, I think that the system of appeals in the courts generally is a good one. I don't think I would want to see a variation from the right to take the appeals to the OMB. As I said, I know one of the other members who happens to be a colleague of mine. He really knows his stuff and I would trust his judgement,

but the problem with that is that one decision obviously would not be sufficient. Factors are given different weights. I would not want to vary from the appeal system as it currently stands.

Mr Grandmaître: Also, there is the number of appeals. I realize that the number of appeals has gone down in the last three or four years, but there is still a great number of appeals before the OMB, and the OMB is asking us, or did ask us recently, for more people to be on the OMB. One of the main reasons was because of the number of assessment appeals.

I think that you people are experts in your field, whereas members of the OMB are not experts. They can't be experts in every field. They can't be. I think that again, and this is my personal feeling, you people are the experts and there should be another way. I think the Ministry of Revenue or the minister should introduce some kind of amendment, another process, to improve the process so that it would be more understandable to people, because people are very scared to appear before you. Imagine how they feel when they have to appear before the OMB.

1030

The Chair: Thirty seconds.

Mr Grandmaître: So you still feel the OMB has a role to play and you'd like to see it—

Mr Burnie: When I first got the list of the members who would be attending this morning, I was somewhat intimidated. I said to a colleague of mine, "You don't ordinarily get to meet 14 members of the Legislature in a lifetime, let alone in one sitting." So, agreed, the OMB is perhaps an intimidating process, but it is a process of judgement of fact and I think in that respect the OMB is as capable as any other body to judge the facts of the situation. If it's a matter of law, let it go off to the courts, as it's required to do.

Mr Grandmaître: Mr Burnie, feel relaxed, because none of us are experts here.

Mr Allan K. McLean (Simcoe East): I just have two or three quick questions. I won't be long. The freedom of information legislation: Will that have any bearing on the job you'll have to fulfil as the Assessment Review Board to allow the public access to the assessment offices and to their records?

Mr Burnie: The individual records that are held by the assessment office have always been protected. It has always been an offence for the assessor to release information respecting any other person's assessment but the assessed. I can't see freedom of information changing that. I can't quote you chapter and verse of the Freedom of Information and Protection of Privacy Act, but I know there are certain exceptions, and I would think one of the exceptions would have to be anything which is statutorily protected. I could be wrong, but I would think that's the case.

Mr McLean: Another question I have has to do with assessment and equalized assessment. The fact is that in this province there are a lot of condominiums and homes with the same square footage. Condominiums are assessed on a lot less dollar per square footage, so to speak; they

pay less assessment in the condominium than they do in a home with the same assessment. That's right across the province. Do you feel that should be balanced out?

Mr Burnie: This is where market value really comes into it. That is, if all assessments, regardless of whether they're on single-family residences or condominiums or condominium apartments, as the case may be, are based upon some approximation of market value, that is something one can put one's finger on. The ratepayer can say: "Okay, condominiums are currently selling for \$250,000. Mine is assessed for \$290,000. There's something wrong. But if they're selling for \$250,000 and mine is assessed at \$250,000, then I guess that's just about right on." So they can compare them with other condominiums.

If assessments are placed upon some approximation of market value, then condominiums will be compared with condominiums, single-family dwellings will be compared with single-family dwellings, and the justice of the whole situation is that that's a fair share, based upon the market.

Mr McLean: I want to give you this. I can buy a condominium in Toronto. It costs more than the home, the square footage is the same as the home, yet my taxes on the condominium are less than they are on the home. Why is that, when the condominium costs more than the home does?

Mr Burnie: I don't know, because I haven't seen the specific case, or indeed any other cases in the city of Toronto, but the actual value, the old concept of the 1940 actual value which is still in place in the city of Toronto, as I understand it, does create anomalies of this nature. For the most part, it's very difficult for a ratepayer in the city of Toronto to appeal an assessment, because he would have to be very well acquainted with the mechanics of the assessment to be able to tell whether the thing was assessed properly or not.

Mr McLean: If everybody was on fair market value assessment, then would that not rectify that problem?

Mr Burnie: I believe so. I would, in my opinion, say so in that case.

Mr McLean: You, in your personal opinion, probably strongly support market value assessment, right? Everybody should have it now.

Mr Burnie: Theoretically it works, and in practical terms I think it works.

Mr McLean: You have an excellent résumé and I wish you a good term.

The Chair: Thank you very much, Mr Burnie. That completes the ordeal. We wish you well.

Mr Burnie: It's been, surprisingly, a pleasure. I shouldn't say, "surprisingly, a pleasure"—it has been a pleasure.

The Chair: Our next scheduled witness, Mark Ferrier, is an intended appointee to the boards of management, district of Manitoulin. There's a memo attached from Nancy Pearson indicating this has been withdrawn, so I gather Mr Ferrier's nomination has been withdrawn.

Mr Grandmaître: Withdrawn?

The Chair: Mr Ferrier's nomination has been withdrawn, so we are not dealing with that this morning, but the next scheduled witness, Mary Anne McKellar, is in attendance, I believe.

MARY ANNE MCKELLAR

The Chair: Ms McKellar, would you like to come forward, please, and take a seat. Welcome to the committee.

Ms McKellar is an intended appointee as a full-time deputy presiding officer with the Pay Equity Hearings Tribunal. Ms McKellar, you are here today at the request of the government party, so I'm going to ask its member to begin the questioning. Mr Wiseman.

Mr Wiseman: Thank you. It's nice to have you here this morning. How did you come to this appointment?

Ms McKellar: I knew there was a vacancy as a result of working at the tribunal. I've been the solicitor there for the past two and a half years, and when I was aware of the vacancy, the chair asked me to apply for the position.

Mr Wiseman: Thank you. Now I'm going to ask some questions that I don't know the answers to, but I hope you do, because I have a couple of constituents who might be really happy if I could find them out. Under the act as it exists today, can an employer achieve pay equity by laying off the males in his company, thus eliminating that as a category of classification?

Ms McKellar: There are certain prohibitions on what an employer can do contained in sections 8 and 9 of the act. There would have to be an assessment by a panel of the tribunal as to whether that kind of activity fell within one of those prohibitions.

Mr Wiseman: Okay. The next question has to do with what is an unfortunate product of the hard times we're living in, and that is that you have a company that starts out with more than 10 employees and then, before it has done its assessment, has dropped to, say, four employees. Are they still required to do a pay equity plan?

Ms McKellar: At the effective date of the act, they have more than 10 employees. That's the significant date, the effective date of the act. All employers with 10 or more employees at the effective date of the act are to implement pay equity. It's not a case that has come before the tribunal; we don't have a decision on it. That's the best answer I can give you.

Mr Wiseman: What is the mechanism available to appeal, given that circumstance?

Ms McKellar: I'm sorry. I don't understand.

Mr Wiseman: To appeal to be exempt. There are four employees left and they've had to lay off all the rest.

Ms McKellar: So if the employees are upset about this, what should they do? Is that what you're saying to me?

Mr Wiseman: No. It's the employer, it's the owner, who is saying: "I've got three people left. Why do I have to post a pay equity plan? I don't have anybody here who would even come under the categories any more, and it's under the 10-person limit."

1040

Ms McKellar: Generally speaking, then, the mechanism for resolution of pay equity disputes is that whoever wishes assistance can apply for the assistance of a review officer. Review officers are part of the pay equity office which is separate and distinct from the Pay Equity Hearings Tribunal.

The review officers are mandated under the act to investigate the matter and endeavour to settle it. Failing a resolution of the dispute in that manner, in some cases they are empowered to make orders resolving a dispute.

Assuming they've made an order, then the next step is for a party who's unhappy with that order to object to the Pay Equity Hearings Tribunal. The tribunal holds a hearing in accordance with the Statutory Powers Procedure Act, very much like a courtroom hearing, resolves the dispute, issues a decision and at that point anyone who's still unhappy would have to take the tribunal's decision on judicial review. That's the mechanism.

Mr Wiseman: So a judicial review would be to a court?

Ms McKellar: Yes, that's right.

Mr Wiseman: In a unionized workplace, if they cannot agree on pay equity, then the employer notifies the commission and the commission sends in a person to review it?

Ms McKellar: I assume so. I don't have knowledge of how the commission or the office works because it is a separate independent agency, but it has application forms, I'm aware, and officers are sent in.

Mr Wiseman: Do you now have any idea how many companies of all the companies in Ontario come under pay equity?

Ms McKellar: No, I have no idea.

Mr Wiseman: Because those with 10 or fewer do not come under the pay equity legislation.

Ms McKellar: That's correct; under 10.

Mr Wiseman: There are roughly 290,000 companies in Ontario. Roughly 170,000 of them have four or fewer employees and another 30,000 have fewer than 10, so you're looking at maybe two thirds of the workforce not coming under pay equity.

Do you think—and this is calling on you to give me an opinion—when two thirds of the companies in Ontario do not qualify for pay equity review, this legislation or the commission can do an adequate job of protecting and making sure that pay equity is introduced in Ontario?

Ms McKellar: With respect, there are certainly critics who have said that. If that's the criticism, I guess, with all respect, I would say to you—

Mr Wiseman: "Do something about it."

Ms McKellar: Do something about it, yes. It's not appropriate, I don't think, for me to comment on it.

Mr Wiseman: In your experience, in a small company with four or five employees, is it even possible to do a kind of pay equity review? What I'm trying to get is, through your experience and through whatever abuses and

whatever examples you've got, just exactly where you can draw the line and what circumstances it can work in. I think there are a lot of considerations that have to be put in that.

Ms McKellar: Neither I nor the tribunal as a whole has any experience with employers of that size because they are not covered by the legislation. As you know, the legislation has staggered implementation dates, so larger employers are required to implement pay equity before smaller employers. We are still dealing with the very large employers. It's possible the pay equity office may have some knowledge of that, but I don't.

Mr Wiseman: Anybody else?

Ms Jenny Carter (Peterborough): Ms McKellar, it seems to me you have a lot of very relevant experience for this position. I was wondering if you could tell us something about what you did when you worked with Koskie and Minsky that might be relevant.

Ms McKellar: At the time I was with Koskie and Minsky there were approximately 15 lawyers. Its practice was divided essentially into three areas: pensions and employee benefits, labour relations, and then civil litigation and general litigation practice.

While I was there I was the director of research, which meant that I supervised the articling students and provided educational seminars for them from time to time. It also meant that I drafted any opinions for a client that would deal with a fairly complex issue. I would draft and prepare the factum for appeals or for judicial reviews, as well as participating in any significant legal applications. I was co-counsel on a charter challenge to the union security provisions in the Labour Relations Act. I drafted the factum in some pension surplus litigation applications and participated in any number of more run-of-the-mill judicial reviews as co-counsel and as preparer of at least the draft factum.

Ms Carter: Of course you have actually been solicitor to the tribunal so you've been in pretty close touch with what's been going on there. I wonder if you could tell us something about what you have seen happening at the tribunal.

Ms McKellar: I think we've seen a change over the time I have been there. I guess the tribunal began actually hearing cases approximately a year—not quite a year—before I got there so I have seen most of the cases. At first there were very large issues and they were sort of front-end issues like who is the employer and what is a gender-neutral comparison system. Of course the litigation of some of those has continued until very nearly the present.

Those all involved the public sector. There were no private sector cases in the beginning. More and more we have seen the private sector getting involved and I think we've seen the issues narrow to the point where several cases recently are sort of the tail end of the process—in other words, once we have determined what comparison system to use, once we determine which are comparable jobs, once we have figured out how much of an adjustment should be made to the various female job classes and how we do it. Those are some of the cases we're getting now.

The Chair: I'm going to jump in there, Ms McKellar. We're over the time allocation. We'll move on to Mr Grandmaître.

M. Bernard Grandmaître (Ottawa-Est) : Madame McKellar, pourriez-vous m'expliquer très brièvement la façon dont vous faites l'évaluation d'une personne qui est censé occuper un poste bilingue et qui doit être qualifiée pour un tel niveau ? De quelle façon est-ce que vous vous y prenez pour faire l'évaluation de cette personne ?

Mme McKellar : Selon les exigences de la Loi de 1986 sur les services en français, le tribunal a désigné cinq postes comme bilingues et on a décidé, selon les mesures des French Training and Evaluation Services, que le niveau requis pour ces postes est avancé. Alors, les personnes les ont soumis aux évaluateurs des FTES pour vérifier le niveau requis.

M. Grandmaître : Plusieurs personnes qui ont passé par ce processus et qui ont été candidats ou candidates m'ont souvent dit que les exigences étaient trop élevées. Est-ce que vous êtes d'accord que les exigences sont beaucoup trop élevées ?

Mme McKellar : De la Loi sur les services en français ?

M. Grandmaître : Oui, en ce qui concerne l'équité salariale et la qualification de ces gens.

Mme McKellar : Nous avons reçu une requête pour une audience en français, alors il faut que nous ayons la capacité d'établir un comité bilingue pour l'entendre, et nous avons un comité qui en est capable.

Mais, jusqu'à ce point, nous n'avions jamais reçu une telle requête, alors peut-être qu'il faut maintenant que nous écoutions. Un critique a pu voir les demandes du tribunal pour les services en français avant cela et dire : «Ce n'est pas nécessaire. Les exigences de la loi sont trop élevées.»

M. Grandmaître : Mais personnellement, d'après votre expérience, vous ne pensez pas que les exigences soient si élevées que ça ?

Mme McKellar : Non. Nous n'avons jamais eu de difficultés en accédant aux demandes du public.

M. Grandmaître : Bonne chance.

The Chair: In the absence of Mr McLean, that concludes the questioning, Ms McKellar. We thank you for your appearance here today and wish you well.

The next intended appointee is Wesley Romulus and as our agenda indicates, he's not scheduled to appear here until 11:30. Because of the removal of Mr Ferrier from our agenda we have a gap. I'm going to suggest we have an adjournment until about 11:25 and then members can return.

I want to make one comment while the clerk is present. I was at a conference yesterday in Ottawa, at an administrative tribunal. The head of the psychiatric review board in Metro Toronto was at the microphone and he made reference to our committee and to the chair, I think it was, of a psychiatric review board in Thunder Bay who appeared before us a couple of weeks ago. You may recall a native lady who appeared before us. He complained about the fact that she had to come all the way down from Thunder

Bay to appear before our committee and she had to pay her own expenses.

I was concerned about that. I talked to the chap afterwards and he said, "Don't worry about it." It was all paid by the law society, I think, which picked up her tab because the Ministry of Health refused to pay it. So we simply can't cover those costs.

I think that, through our clerk, I'm not sure, and perhaps through Marilyn Roycroft we should be making sure that this sort of situation doesn't arise in the future. Even if it has to come out of this committee's budget I think that, if we are asking someone to come from a great distance like that, she shouldn't have to incur the cost. I just wanted to bring that to your attention and ask the clerk to talk to Marilyn so that we don't run into that sort of situation in the future.

Mr Wiseman: I would hasten to add that perhaps we could also ask the clerk to do a review of this and look into some kind of reimbursement, and to see if other people have experienced the same thing. I agree with you, they shouldn't have to. If they have, then I think maybe if we can't get it rectified through that department, we should discuss it here and come up with some kind of recommendation or policy.

The Chair: That's fine. We'll do that too. Okay, we'll have a brief adjournment and try to be back here by 11:25. Thanks very much.

The committee adjourned at 1054.

1130

WESLEY ROMULUS

The Chair: We will reconvene the meeting, I see a quorum, and ask our for next witness, Wesley Romulus. Please take a seat, Mr Romulus. Welcome to the committee, sir.

Mr Romulus is an intended appointee as a member of the Ontario Council of Regents for Colleges of Applied Arts and Technology. Again, this review is a selection of the government party.

Mr Wiseman: I'd like to welcome you to the committee. I would like to begin by asking you a question. How is it that you came to know about this position?

Mr Wesley Romulus: I assume during the search process I received a phone call from the office of Mr Johnston asking me if I knew of any francophones who would fit the criteria the committee is looking for. In describing the requirements, I came to the conclusion that this is a challenge for me, this is something I can do. I have, I perceive, experience in dealing with committees, I have been involved in teaching, I have been in many different things that resemble what he's looking for, so I submitted my own name. That's how I knew about it.

Mr Wiseman: You haven't had any experience with the Council of Regents before?

Mr Romulus: No, none whatsoever.

Mr Wiseman: I see that you've worked with Katimavik.

Mr Romulus: Yes.

Mr Wiseman: Could you describe that for us, please?

Mr Romulus: Katimavik was a federal youth program for young Canadians from 17 to 21 years of age. They were chosen on a volunteer basis and sent to different communities throughout Canada to do physical work and social work, as they could, with the communities and different social agencies sponsoring the work projects. I was involved supervising projects in the Hearst-Kapuskasing area for a while and then moved to the national office where I was in charge of selecting new participants and sending them to the different communities for the nine months' duration of their stay. After that experience they would receive \$1,000 and go back home to studies etc.

Mr Wiseman: Do you have any familiarity with the college system as it exists now and any of the changes that are taking place?

Mr Romulus: I am aware briefly, very preliminarily, of different initiatives that are being considered for the colleges, but I don't have any in-depth knowledge of those initiatives. I'm aware of the outcome standards initiative that is being considered, the harassment task force. So I mention those initiatives but I don't know at what stage they are of their development or discussion or implementation. I don't know yet.

Mr Wiseman: Do you have any notion of what you think would be the major challenges facing the colleges today?

Mr Romulus: Given my limited knowledge as of today, I would assume that it's the increasing demand for skills in Ontario, in general, in a broad sense, and reduced funding or the scarcity of funds to meet that challenge. It's like any other industry, the supply and demand; the demand is there but the financial means may not all be there to make them happen. That's my perception as of today.

Mr Wiseman: Thank you. I'm going to turn it over to my colleague Dr Frankford.

Mr Frankford: You're working now in the community health sector, and I also notice you are on a committee on educating future physicians. I also note that in the college system one component is around health care, and I'm thinking particularly of nursing. I wonder if you have any thoughts about manpower needs, or person power needs, in the community health sector in the future and what you would like to see the college sector doing there.

Mr Romulus: One of the reasons I am on the Educating Future Physicians for Ontario committee is that I represent the community working with the committee on a day-to-day basis. I was considered one of the advocates of what the committee's expectations are, and one of the sectors where we are looking at expectations is the human resources. The way the physicians have been trained so far, have been educated, the way nurses and other allied professionals have been trained so far, does not necessarily meet the expectations of today's community.

I would see the future direction of educating health professionals in the sense of more open communication, to be concerned with a team approach rather than the pyramid system with the physician at the top and everybody else at the bottom and the community has to gladly receive the services without asking any questions. We are looking

at developing curriculum and guidelines and directions for the med schools and the nursing schools so the communication, the dialogue, the people skills are well entrenched into the new curriculum.

Mr Frankford: Is your centre right now acting in any sort of training role, or do you foresee that happening in the future?

Mr Romulus: I think it has to happen, so wherever it's happening, we will definitely seek to encourage it. Where it's not happening, we will try to find ways to motivate the change, because it's needed.

The Chair: Any other member of the government party? We've got about three minutes.

Ms Carter: Maybe I could come in then. I was just wondering if you had any feelings about what colleges could do for women. I know in Peterborough, where I come from, the Sir Sandford Fleming College has an employee who is trained to encourage women to train for some of the trades they haven't traditionally been involved with. Do you have any feelings about that?

Mr Romulus: Definitely. The best examples I can use are my own examples. My wife, after we had our first child, decided to stay home and not work outside of the home. This was her decision, her choice, which I supported. After the third one was in the school system, she decided to go back to Sheridan College, which I fully supported. My daughter currently is involved with the Ontario Bible College. I have three girls, by the way, and I fully intend that those who want to go through the college system, fine, those who want to go to university, that's equally fine with me. So I speak with my own hard experience. Yes, I do support that. Whatever venues were traditionally male-dominated, if the skills are there, there is no reason to put systemic barriers to them.

Ms Carter: So if your daughter wanted to become a plumber or something like that, you'd feel that was fine and other girls should have the possibility of doing that?

Mr Romulus: Definitely. As far as my daughters are concerned, as far as anyone in society is concerned, if they have the skills, the desire and they have the will to do it, yes.

Ms Carter: Okay. Thank you.

1140

Mr Daniel Waters (Muskoka-Georgian Bay): One of the concerns I have—I came from an industrial background, and I noticed it here—is that the employers complained about the quality of education that college graduates receive. In other words, a machinist, let's say, is taught in a college to run the most advanced piece of technology. The reality is that the technology is not in any of the factories. Is there any move, or do you feel that there should be a move, to actually look at the types of courses and how they're being taught in college so there is a definite link with what is needed?

Mr Romulus: Yes, there has to be a partnership based on the reality of the Toronto or Ontario market. You cannot train someone with space technology who has to work in a warehouse using manual tools. There has to be dialogue between the colleges, about the high-tech machines and

tools they use in the curriculum and what exactly is happening in Ontario.

However, as a former educator myself, I believe the emphasis should not be placed solely on the tools that are used to equip someone, a learner; the emphasis should be on the skills we want, the facility to think, the capacity to develop options. Those are the things I favour as an educator and as a member of such a committee. These are the things I will necessarily look for, that we do not put the emphasis solely on the tools and the mechanics. The capacity to think, the capacity to develop alternatives, yes.

The Chair: Thank you. Mr McLean.

Mr McLean: The 23 colleges in Ontario: What, in your estimation, was the purpose of setting them up?

Mr Romulus: As the name indicates, applied arts and technology, there is a need to equip Ontario workers, Ontario citizens, with skills that are definitely needed in our society and in our communities, skills that do not take three, four, five, 10 years to develop. The colleges have a role to play in adequately equipping people to perform certain tasks that do not necessarily require higher learning or higher education.

Mr McLean: That was my understanding also. Do you feel they have served the purpose for which they were intended?

Mr Romulus: I haven't done an evaluation of the colleges and I would be presumptuous to give you an evaluative answer at this moment, but from an ignorant point of view I would say yes, because we do hire nurses who have been through the system, we hire secretaries, we hire social workers who have been through the system. Based on that, as a current employer, I would say yes.

Mr McLean: Then why are we short of the skilled workers? There are tool and die makers, there are plumbers, all these types of specialized fields. My understanding was that was what these colleges were for, to train these types of people. When you are short of skilled workers, there appears to me to be a problem. What do you have to say when we look at the dropout rate in our colleges of up to approximately 50%? That is the information I have. Are you aware of the workings of the colleges?

Mr Romulus: Yes. I have been following the workings of colleges more closely since my daughter wanted to enter that system, but I'm not familiar with the statistics that you are presenting. Definitely if there is a need, then that means there is a problem. If there is a shortage, there is a problem, so the problem should be tackled, evaluated, analysed and options should be developed. At this point, I don't know what the options are because I haven't been through the system, but as far as I'm concerned, this is the approach to take. Analyse the problem and find the options and have the courage to implement the best option.

Mr McLean: I had thought that perhaps you had a little insight into the workings of the colleges and that was why you had applied to be on the Council of Regents: to have some input, to try to put your views across, to try to make them better for the people of Ontario.

Mr Romulus: If you refer to my previous answer, I believe that if one has the desire to make a difference in any field, one doesn't have to be an expert in that field before entering the field. There has to be some kind of preparation, obviously, some kind of familiarity, but there are certain basic skills and experiences one can gather elsewhere that are transferable. I think the ability to take a problem and analyse and devise plans and alternatives is transferable. Whether you're talking about a council of regents or a board of governors, for any entity, I think the skills that are needed to make a difference, to solve problems, to come up with solutions are transferable.

Mr McLean: Is your present employer aware that you've applied for this?

Mr Romulus: Yes, the chairman of the board is aware.

Mr McLean: Do you have any idea how many times the Ontario Council of Regents would meet in a year?

Mr Romulus: I was told it is about a day or a day and a half a month, yes.

Mr McLean: Do they meet in the daytime or in the evening?

Mr Romulus: I was informed that for the time being, the format is an evening prior to a full day.

Mr McLean: There's been a report with regard to the problems in the college system, with regard to a lack of system-wide standards, quality and planning and inadequate links with schools and universities. There have been some identification problems there. There have also been some recommendations that have been brought in. There has been some discussion with regard to the certificate you get at a community college. That would be recognized by a university. What is your feeling on that?

Mr Romulus: I am heartily in favour of such a prior learning assessment and recognition, accreditation, yes. Also, the college movement or system has been in place for only the past 25 years, as I understand. With any system in place there has been, I presume, some growing pains, some adjustment, some finding their niches etc. So if the time is right now to make some adjustment, to develop some linkages and establish some standards, then definitely, yes, the time would be ripe for that.

Mr McLean: There was an announcement not too long ago with regard to skills development and industrial training. The ministry is looking at ways of setting that up. It has not been finalized yet. Do you believe the colleges would have a part to play in the system the government's planning on initiating?

Mr Romulus: I'm not familiar with the issue, but if there are any linkages with the colleges, definitely it has to be explored; if there is any collaboration or cooperation, yes. But I'm not familiar with the issue you are raising.

Mr McLean: The figure I gave you a while ago with regard to the 50% dropout rate in some cases, does that alarm you to a great extent? That 50% is a large dropout rate, when you've got a program lined up, you've got an instructor there, you have so many in the class, then all of a sudden there are only 20 instead of 30.

Mr Romulus: If I can bring your question closer to home, my daughter will be 20. I never pressured her to choose a field where she wanted to work, but I found it was increasingly difficult for her to make a decision, to make up her mind where exactly she would fit. The diversity of options in front of her was overwhelming. The same figures apply to first-year university as well. I'm not surprised that people venture into a first-year college program and discover that, no, this is not their turf, this is not their field. So it is alarming, but I'm not surprised because of the diversity, because of the specialization of society.

We have specialists for almost every aspect of any work or of any trade possible. So for a younger person—17, 18, 19, 20 sometimes—to make up his or her mind and keep plowing ahead is difficult. Mind you, the other side of the same coin is that there has to be some accountability. There has to be better information prior to enrolling, prior to making decisions, prior to investing sums of money and human resources. Maybe there are aspects to be considered in the way we inform people prior to their making a decision.

Mr McLean: The college system has a great number of part-time students who attend, some in evening courses, and are varied because of the computer courses or whatever they offer them. Do you feel that should be expanded? I know the universities don't have a lot of part-time, to a great extent, as the college system has. Would you look favourably upon more part-time courses for people in the workforce who need upgrading and training?

Mr Romulus: I am in favour of more creativity and flexibility. In the course of my limited experience in life I have always been known to not follow the status quo. I am in favour of creativity because the way we have done things in the past is not necessarily the best way to do them. Community colleges are called to respond to community needs. If the community need is to open at an odd hour, then yes, if the human and financial resources are there to do it, we should respond. The flexibility that the colleges have is a plus when you consider the university system. It should not be diminished.

The Chair: Thank you very much, Mr Romulus. We appreciate it. That concludes the questioning. I hope you still don't feel like a victim.

Mr Romulus: How did you hear that?

The Chair: Good ears, good ears.

Mr Romulus: The Chair knows everything, right?

The Chair: We wish you well.

The final matter on the agenda is the determination of whether we concur with the appointments of the witnesses who appeared before us. We can do them, as you know, by one motion or three motions.

Mr Wiseman: One motion. I'll move them all.

The Chair: It's moved by Mr Wiseman that the committee concur with the intended appointments reviewed today. Any discussion? All in favour? Opposed?

Motion agreed to.

The Chair: That wraps it up. Meeting adjourned.
The committee adjourned at 1153.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 3 June 1992

The committee met at 1009 in room 228.

APPOINTMENTS REVIEW

Resuming consideration of intended appointments.

BARBARA ELIZABETH HILL

The Chair (Mr Robert W. Runciman): Our first witness this morning is Barbara Elizabeth Hill, who's an intended appointee as a member of the City of Kingston Police Services Board. Miss Hill, would you like to come forward and take a seat at one of the microphones? Welcome to the committee. You were selected for review by the Conservative Party. I'll ask Mr McLean to begin. It will be a half-hour review, 10 minutes to each party.

Mr Allan K. McLean (Simcoe East): How long have you lived in the area?

Ms Barbara Elizabeth Hill: I moved to Kingston in 1973.

Mr McLean: Have you been involved in the community?

Ms Hill: To a great degree. I have been on the United Way most recently as a member of the campaign cabinet, doing the campaign for major businesses. I was a member of the community editorial board of the Whig-Standard. I've been a member of the board of the Kingston branch of the Canadian Mental Health Association. Certainly in my work I've been active in the community. I've been a social worker in the community since 1973 and have worked for children's aid and the John Howard Society.

Mr McLean: You'd be familiar with the workings of the police services board then?

Ms Hill: Yes.

Mr McLean: The interesting point that's been made has to do with the operation of some of the directions the police services boards are giving. Do you believe that pepper spray would be something that you would consider allowing your police to use?

Ms Hill: I think I would really want to know a little more about it. I believe strongly that police are accountable to the community for any use of force. Whenever you get an incident in which you could potentially harm a person in that community there should be ground rules, guidelines, a policy set up as to where, when and in what circumstances those are used. So I really can't answer that on the pepper spray right now. If it is an alternative to a gun, that may be, and it depends on the circumstances. I would want to sit down as a member of the board and really look at those policies and guidelines.

Mr McLean: Is there anything you have on your mind that you would see done that's not being done in the community with regard to community policing?

Ms Hill: My thoughts about community policing are that it's more an attitude than it is a program, so I would want to find a way in which that kind of attitude can be integrated into the existing police force. My fear is that a lot of these programs that get developed become add-ons to the police. So, again, I would really want to work within the police board to find a direction for the future and do some long-range planning around how that can happen.

I have even seen little things in our community—when I was running the other day I saw my first policeman on a bike. I think that really improves the relationship between the public and the police. It's not behind a car door; it's someone who is right there and accessible.

Mr McLean: You would promote that aspect of policing.

Ms Hill: Sure, do the beat on the—

Mr McLean: Are there any hills in Kingston?

Ms Hill: Any hills? There's one right up by the penitentiary which is incredible.

Mr McLean: They would be downhill out of there all the way.

What other aspects of community policing would you be looking at? I know the size of Kingston and I'm wondering if you would be looking at specific areas within Kingston where you would have more patrols.

Ms Hill: I know there has been a lot of concern raised about the north end of Kingston. If anyone knows anything about Kingston, it's pretty well divided: It's kind of the north end and the south end. I know there has been a lot of concern recently and that some members of the north end are talking about wanting a substation up in the north end. I'm not in favour of that. I think there are different ways to become involved in the community.

The police could get involved in other ways with social service agencies that are up in the north end. There's one that's just starting which is called Better Beginnings. How can the police somehow involve themselves in that—it may be a peripheral role—to become part of that process?

Mr McLean: Yes. Are you familiar with the other members who are on the board now?

Ms Hill: No, not right now. I did know some of the past members but not some of the present members.

Mr McLean: Are you a member of any political party?

Ms Hill: Yes. I'm a member of the NDP.

Mr McLean: Do you think that would have a bearing on the recommendation for the appointment?

Ms Hill: How do you mean? I would hope that—

Mr Rosario Marchese (Fort York): Would you be biased?

Mr Bernard Grandmaître (Ottawa East): You are so blunt.

Mr Marchese: I was just putting it out in the open.

Ms Hill: I would hope I come to this position with certain skills and certain talents, and I would want to use them for that.

Mr McLean: I would hope that you would, and I am sure you will do a good job.

Ms Hill: I would try to be as non-partisan as I could.

Mr McLean: Thank you.

The Chair: I will move to the government party.

Mr Robert Frankford (Scarborough East): I'm kind of intrigued about the community editorial board of the Kingston Whig-Standard.

Ms Hill: Yes. That was an innovation about 10 years ago. I think it's one of the only papers in Canada that has a community editorial board. They pick representatives in the community who are knowledgeable on certain topics and they can write whatever. It's terrific. I think mostly the reason I was asked to the community editorial board was my position with the John Howard Society. We are a prison town. There are a lot of prison issues and criminal justice issues discussed in the town. I did some writing on other social issues as well.

Mr Frankford: So you actually write editorials?

Ms Hill: I did, and my term just ended.

Mr Frankford: I see.

Ms Jenny Carter (Peterborough): Police boards, like so many other things, have been largely, I guess, white men. Do you think it's important to change that so that they are representative of all the elements in the community?

Ms Hill: Yes.

Ms Carter: Why?

Ms Hill: Because they're interacting with the public all the time, and I think if they're representative of the community they're more integrated with that community and more able to be seen as part of that community rather than as something that stands back.

With respect to employment equity, I would be really concerned that employment equity be seen not as a means to expand the police force but as something in which every existing position or every new position that comes up is reviewed according to that and there's really an attempt and there's a plan. I don't know about the employment equity plan of Kingston; I'm not sure of the details. But I would certainly do my best to work towards those goals and improve them.

Ms Carter: There must be a plan, I believe.

Ms Hill: I would assume so.

Ms Carter: Do you feel that having more women on the police force might make a difference, for example, to treatment of domestic calls?

Ms Hill: Certainly. Knowing the women's community in Kingston, just having access to the shelters and contacting the women, the women are very nervous and anxious about any sort of contact with males at that point in time. I think it's very important for the police to be sensitive to that.

Ms Carter: What about the racial aspect?

Ms Hill: Our racial mix in Kingston is really quite limited, but there's a growing East Asian population. I certainly hope that as that grows it will become more reflective of that.

Mr Daniel Waters (Muskoka-Georgian Bay): My question would stem from a conversation I had last week-end with one of the senior officers of the OPP. His concern was the training of new officers. He feels our society right now has become so complex that the old route of training an officer in the use of a handgun once and saying "That's good enough" is gone. I would like your comments on how you feel we should change that.

Ms Hill: I'd like to see the training of officers be more related to the social service agencies in the community. What I've seen is that most of the time most situations do not need enforcement per se. Certainly there is an element out there where you're talking about enforcement, but in many cases it's connecting that individual or that family with some agency in the community to help them with the problem that brought them to the attention of the police in the first place.

I think the police have to become more familiar with some of those underlying social concerns, family concerns, family issues, individual problems, mental health problems. They don't have to become experts; they're not social workers. What they have to do is know where to go when they need the help. It's more integrating the police within the structure of the community rather than seeing them as separate.

Mr Waters: So you're saying that in some cases the police should deal with a situation prior to it becoming something that has to be controlled by force.

1020

Ms Hill: I certainly think that's one of the advantages of community policing, which again I say is an attitude, not a program. The police officer is out there in the community on a regular basis, sees what's going on, sees the pockets of problems, sees some of the issues and can be a partner with that community in mobilizing some of the resources in order to deal with that.

Mr Waters: Do you see Kingston as having special needs for the police services board because—you brought up the topic—

Ms Hill: The prisons. Yes, I believe it does. Part of it has come from my own concern over the last little while around the media. I don't know if people know, but we have a halfway house in Kingston which has expanded and there have been a lot of problems related to it, and most of it comes from this fear of crime that's out there in this community, which I find very scary. Not to say people don't have a right to be afraid of crime, but I think we're relating ourselves to a circumstance around the realities of crime which are more like the United States than they are the Canadian reality. I think the police, particularly in our community, have a responsibility to work with the media and work with the community in a way that helps people deal with that irrational fear of crime. So there's one in that, because we're always talking about there's more crime in our community because we're a prison town.

I've certainly written editorials on the fact that we have not seen the increase in the rate of crime in Kingston. We've seen an increase in the number of prisoners in Kingston, but we don't see a related increase in the rate of crime. So where is it coming from? Part of my concern has always been that around budget time the issues of crime rates, fear of crime, that we're a prison town, come up, and I think it feeds into that mentality.

I would want to work on the police services board to find a way to help people understand what's out there and the realities of crime. I don't want to underestimate it, but I don't want to overestimate it either, because it leads to very bad policy decisions. Does that answer your question?

Mr Waters: Yes. One final question I'd have is, I represent the town of Midland, and beside it we have Penetanguishene Mental Health Centre. What we have found is that there are a large number of people who come out, and because that's the first town, they stay there. That creates special needs within that community. Do you find the same thing only because of the prisons there, and what would those needs be and how would you see that the police could assist you?

Ms Hill: Again, I think that's overestimated. I've worked in prisons for well over 15 years and most people I see go home, and home is not Kingston. Yet Kingston believes that everybody coming out is coming to Kingston. I don't think that's a reality.

Part of the problem is that some people who do come to Kingston stay in Kingston because they've lost their connection with whatever home community they've had, and yes, there are special needs.

Certainly I've been on the other side of the coin with the police; I really do believe we've almost been like two sides of the same coin. You know, police officers have said that to me, "You have your job to do and we have our job to do." It doesn't mean they can't be complementary. I see there are special needs that maybe the police cannot deal with. They're more related to social service agencies and the aftercare network that should be developed—and supported by the police.

Mr Waters: Thank you very much.

Mr Grandmaître: In your description of the city of Kingston—maybe I misunderstood you—you said you weren't in favour of a north end precinct. Did I understand you correctly?

Ms Hill: Substation. They wanted to build a substation.

Mr Grandmaître: Does that mean you don't believe in community policing?

Ms Hill: No, but I think there are better ways than to build headquarters for police. The city of Kingston is not like Toronto, for example. We're talking about a distance of maybe three miles between the downtown headquarters and whatever substation it would be. I just have difficulty in seeing structures as community policing. I've said before, community policing is not a program, it's an attitude. All police officers should take that out into the field with them, that attitude that they're going to be on the beat. Their responsibility's not just to respond to calls but to be active in the community in other ways.

Mr Grandmaître: Don't you think this is what community policing is all about, to have citizens participate or helping?

Ms Hill: Yes.

Mr Grandmaître: You don't need a 15-storey building, I agree with you.

Ms Hill: Yes. That's all I was talking about.

Mr Grandmaître: But just having an office on Main Street in the north end of Kingston, just for people to notice that—

Ms Hill: There is a presence.

Mr Grandmaître: Yes, because community policing in this province is a very successful program.

Ms Hill: As I said, I'm all in favour of community policing. That's not an issue. The issue is when it becomes a program, not an attitude. What I'm afraid of with community policing is that it becomes an add-on and that all one does is kind of keep expanding and expanding. I think it should be part of every police officer's attitude and responsibility.

I should mention that there's even some concern in the north end. Not all members of the north end community believe they want more police presence there. It's a real debate going on. I think I'd want to talk to more people in that community.

Mr Grandmaître: As you know, municipal councillors are for ever objecting to police budgets, not only in your community but right across this province. Councillors are saying, "Look, we're paying 80% of the cost of policing, yet we have very little to say in the final decision of paying for those programs." Do you think municipal councils should have more of a say in police budgets?

Ms Hill: I haven't really thought that one through. I certainly believe budgets are important tools to see the direction of the police. I understand it goes first through the police services board and then goes for approval to the municipality. I'd like to hold off answering that question until I've been on the board for a little while.

Mr Grandmaître: It's a very touchy one.

Ms Hill: Yes. As far as police budgets are concerned, I certainly have very strong feelings about police budgets. I don't want to see police budgets grow at the expense of other budgets. In our community there's no mechanism to cap or review critically the police budget, but there sure as heck is a way to cap Ministry of Community and Social Services budgets; other social agency budgets that are suffering. I believe we've got to have some sort of balance to this question.

Mr Grandmaître: Are you familiar with the freedom of information act or legislation, the most recent one?

Ms Hill: Not in its entirety. I guess I would have to become more familiar with it. But I must say that as a social worker, the whole business of confidentiality is like second nature to me.

1030

Mr Grandmaître: Police service boards are very reluctant—I shouldn't use the word "reluctant"—are interpreting the Freedom of Information and Protection of

Privacy Act in their own different ways. You don't have a common denominator: "This is what it really means for us." Some police service boards are reluctant to pass on any kind of information, whereas others are a little more flexible.

Do you think those sections of the freedom of information act should be tightened and police services boards or the police chief, or any constable, for that matter, should be at liberty to provide more information to the media?

Ms Hill: Do you mean about specific individuals in the community?

Mr Grandmaitre: Individuals, yes.

Ms Hill: I would almost like to see that taken on a case-by-case situation, partly because when you infringe on someone's right to privacy there has to be a counterbalancing, pressing reason to do so. It's very important to maintain that. That would be my answer. I'm not familiar enough with the freedom of information act to know how that's tightened. As long as that in principle is there for me, that is something I would agree with.

Mr Grandmaitre: Thank you.

Mr John C. Cleary (Cornwall): How long do I have? Three minutes.

I want to get back to budgets again; I know that every municipality including Kingston just went through that. The need is there and the municipal people try to hold their increases to a minimum. You said you'd like to involve the community more in some areas of the province. I'm not saying Kingston is one of them, but I know there are other areas in eastern Ontario where police services boards do not recognize the volunteers to the fullest. I'm talking about auxiliary police departments that make their presence known and are used in some areas. I would like your views on this.

Ms Hill: I'm always in favour of the use of volunteers. I come from a voluntary agency. That's my background. In the enforcement of laws, I would want to be careful in what mechanism one uses the police volunteers; perhaps they shouldn't be used in enforcement activities. When you talk about prevention, when you talk about helping the police become more integrated in that particular community, then volunteers are important. I'm not sure, and I can't answer that definitively now, that they should be involved in the enforcement of laws.

Mr Cleary: One thing is parades. The presence of a uniformed person could do the same job as a police officer. It seems to me in parts of Ontario these volunteers are having a hard time cracking the police services board.

Ms Hill: You mean getting on, getting appointed.

Mr Cleary: Getting recognized and getting in place the hours per week they have to volunteer.

Ms Hill: I would certainly want to support the use of volunteers, but again, I would want to look very carefully at how volunteers are used. I certainly would want to recognize them.

The Chair: Thank you very much, Ms Hill. That concludes the questioning. Thank you for travelling from Kingston to appear here today. We wish you well.

Ms Hill: Thank you.

IAN JAMES CAMERON

The Chair: Our next witness is Ian James Cameron. He is an intended appointee as a member of the City of Orillia Police Services Board. Welcome to the committee, Mr Cameron. You were selected for review by the official opposition. Mr Cleary, are you prepared to begin the questioning of the witness?

Mr Cleary: I could.

The Chair: We could pass and come back to you.

Mr Cleary: Okay, pass.

The Chair: Mr McLean?

Mr McLean: Welcome to the committee. I see one of the recommendations is that the candidate have a record of community involvement. What have you been mainly involved in as a member of the chamber or any of the local organizations?

Mr Cameron: Most of the involvement I've had is on community boards of directors of, I suppose, social service agencies. I don't know how far back you want to go. I've been a board member of a children's mental health centre, of the Orillia Association for the Handicapped, which you know is devoted to the development of handicapped individuals. I've also been an adviser to groups of victims of crime, worked very closely with a group in Collingwood called Aftermath—for families of sexually abused children. It also has a chapter here in Toronto, which is an association of families of victims of crime, children and also adult survivors. I've worked with a lot of community groups without being on the board in my capacity as a lawyer at the legal clinic where we're often involved in the initial stages of incorporating a group, helping it set up bylaws, operating rules and so on. There's also the Couchiching Cooperative Homes Inc. I was on the board and also a resident there for a period of time.

Mr McLean: Okay, since you're a lawyer, I'd like to talk a little bit about the Freedom of Information and Protection of Privacy Act. The standing committee on the Legislative Assembly has considered this issue and done a comprehensive review. In principle, what do you see are the drawbacks with the present legislation, if any?

Mr Cameron: I should say that, as an advocate, seeking to prove that people were victims of crime—I have an active practice before the Criminal Injuries Compensation Board, so I have frequent occasion to seek records from police forces and other social agencies in order to prove a history of victimization.

You may be aware that, because of the way the act has been interpreted, you can actually go back quite some time, probably back to 1968, to unearth evidence of someone having been a victim of crime to bring that matter before the board, so sometimes it's necessary to go back into records. You can't really rely on the present recollection of any of the officers, for instance, of the police force and so on and there are impediments to gathering that information. You'll find there will be surviving records that can be released only with extensive blackouts, virtually rendering the documents almost unintelligible.

Mr McLean: So you're saying there should be some changes in the present legislation.

Mr Cameron: I think there could be some change in the way it's being interpreted. I don't know if that leads us to necessarily change the legislation or not.

I think there's been a tendency, especially during this initial period—and I notice this, first of all, with the provincial freedom of information and now with the municipal—during the first three or four years it's been in operation, people tend to take a very tight-fisted attitude towards it. There are real penalties for releasing information you're not entitled to release and virtually no reward for having released information. There's no carrot there, only a stick.

It brings to my mind the delays in the appeal process. You can launch an appeal. They have 30 days to give you an answer. You can launch an appeal if something's being withheld and the appeal—you might as well forget it, it just takes so long. It's pointless. The appeal process could be faster.

Mr McLean: Okay. What's your opinion with regard to a bill for victim rights?

Mr Cameron: I think that would be of great assistance. By itself it won't be all that effective, but if it was in combination with some other initiatives—not necessarily changes in the provincial law, but also federal law. I'd like to see the Limitations Act proposals advanced as rapidly as possible, especially with respect to sexual assault victims. I think that will do a great deal to make justice accessible.

I would also see like to see some changes to the Bankruptcy Act. The judgements for sexual assault should get the same treatment that the family law orders get under the Bankruptcy Act in that they continue to be enforceable even after a bankruptcy.

1040

Mr McLean: That's good enough for that one. We're limited to only 10 minutes each, so we haven't got a lot of time.

Mr Cameron: You asked me some really good questions.

Mr McLean: Since you are a lawyer, I know you like to use up most of it by talking.

In 1991 the Solicitor General released a discussion paper entitled Political Activity Rights for Police Officers in Ontario: A Discussion Paper. Can you comment or do you have an opinion on whether police officers should be allowed to participate in politics?

Mr Cameron: I think they should.

Mr McLean: You didn't say much that time.

Mr Cameron: I don't want to tell them how to participate and I don't think anybody else should either.

Mr McLean: But let's define it. I think some of the recommendation was after their working hours or even during working hours.

Mr Cameron: I suppose they ought not to be using their own budgets to fax political messages around the countryside and things like that. I would regard myself limited in that respect whether there is a written law about

that or not. I think common sense has to prevail, but I don't think there's a need for a specific inhibition of police officers to participate politically.

Mr McLean: Some municipalities have imposed outright bans.

Mr Cameron: I don't agree with that at all.

Mr McLean: Okay. The other question is have is, were you briefed by staff before you came here?

Mr Cameron: Briefly, yes.

Mr McLean: Employment equity: Are you aware of what position the Orillia Police Services Board is at with its police services?

Mr Cameron: I have no personal knowledge whatsoever of their employment equity plan. I think there must be some in place. There certainly are female police officers on the force and so on, but I only infer that they have something in place.

Mr McLean: They have submitted their plan and it's all in the works.

Mr Cameron: That's good. I'm glad to hear that.

Mr McLean: Do you know any of the members who are presently on the board?

Mr Cameron: No. Probably in passing I would have seen them, but I really don't know any of the members right now.

Mr McLean: Do you know the last appointment that was made?

Mr Cameron: Verna Hannaford?

Mr McLean: Yes.

Mr Cameron: I've talked to her. She's on the board of directors of the clinic I work for and so I've talked to her occasionally.

Mr McLean: Are you a member of the NDP party?

Mr Cameron: Yes, I am.

Mr McLean: I noticed your recommendations: Fayne Bullen, Terrence Hunter and Dennis Bailey. I kind of recognized that—

Mr Cameron: It could be that I'm an NDPer, eh?

Mr McLean: There wasn't much question about it.

Mr Jim Wiseman (Durham West): It's okay. The last two people appointed to the Durham board were both Liberals.

Mr McLean: Well, that's good. Thank you very much. I wish you well.

Mr Cameron: Sure.

The Chair: Mr Grandmaître, we're going back to you.

Mr Grandmaître: Now that you've admitted that you're an NDP—and I'm not surprised—what was your responsibility in the last election?

Mr Cameron: I was chief financial officer at Simcoe East for the Dennis Bailey campaign.

Mr Grandmaître: Oh, I see.

The Chair: I don't know if that's relevant.

Mr Grandmaître: I just wanted to follow up. You'll have a chance to question.

The Chair: There are restrictions on those kinds of questions.

Mr Grandmaitre: Thank you, Mr Chair. I'm going to ask you the same question I asked a previous candidate. Do you think municipal councils should have more of a say in preparing the police budget? Municipal councils have to accept the police budget. Do you think this is right?

Mr Cameron: First of all, I don't know if I can entirely agree with you that they have to. Some negotiation obviously did take place in Toronto quite publicly. I'm quite aware of that.

Mr Grandmaitre: They have to accept the budget. They can negotiate but they have to accept the bottom line.

Mr Cameron: So what you're saying is that there shouldn't be a police services board or that it shouldn't be distinguishable from the council.

Mr Grandmaitre: No, I'm not asking you that. The composition of the police service boards in this province, as you know, are municipal appointments or cabinet appointments. But most municipalities in this province where there is a police force say, "Look, we're paying 80% of the cost of policing and we should have more of a say when it comes to budgeting."

I was the chairman of a police commission for seven years and I can tell you that it's very frustrating for a mayor to have to accept a budget and then tell his councillors: "Well, this is it. This is what we need for 1992. If not, the police services board will go to the Ontario Police Commission and have it stamped," literally stamped.

Mr Cameron: I can't comment on what happens at the Ontario Police Commission; I have no knowledge of how that works. I would assume that if it were a rubber stamp there would be something wrong with the way it was working. There should be a fair hearing for both sides, both parties, before that commission. I'm one of these people who's in favour of there being some sort of outside invigilation. If it's all done within the town council it's just a little bit too discretionary for my taste. I appreciate you may feel the way it's set up now errs on the other side, but it's hard to hit the nail right on the head. I think it's better to have some outside input into how they're managing a public responsibility like that.

Mr Grandmaitre: I agree with you that we shouldn't have too much politics on the services board. I realize this, but the municipalities are very restricted when it comes to negotiating with the police services boards, and I find this somewhat offensive to taxpayers.

Mr Cameron: I feel it doesn't have to be bad in every single community. Even if you feel there's not a good relationship in some communities between the police services board and the municipality, it doesn't mean there has to be an antagonistic point of view. I approached any negotiation I had to take part in with the municipality with an open mind, not intending to hit people over the head with whatever rights I had. I'd only take a hard stand like that if I really thought there was an important issue of principle at stake. I wouldn't use that sort of power casually. I don't

think that's a good way to do business. I don't see the need for it in Orillia, anyway.

Mr Grandmaitre: How would you describe your police force?

Mr Cameron: I think it's a very ordinary police force. I don't think it's a stellar police force or an incompetent police force or anything. I think it's very ordinary. I've been dealing with them principally with respect to advocating for victims of crime and I've always found them to be helpful and direct, and increasingly so. There's been some change in the administration of the city of Orillia's police force and I think that's been a positive move, for the most part. I'm not criticizing the previous administration; I'm just saying they've accelerated what I think is a good trend. In terms of cooperation, they are somewhat limited by the freedom of information act. That's not really their fault.

Mr Grandmaitre: Are they community-involved? Are they really part of the community?

Mr Cameron: I think so. There are a lot of different community organizations in Orillia that are community-involved. I think it's a community that has a lot of different motivated groups in it. I don't think the police stand out in comparison to those other groups, but I don't think they're behind either. I think they're pulling their weight.

Mr Grandmaitre: How many female officers are part of your police force? Any females?

Mr Cameron: Yes. I know of two. I don't know all the officers on the force, but I know of two I frequently deal with.

Mr Grandmaitre: Thank you. I've just found my notes. There are four.

Mr Cameron: There are four, eh? Okay, good.

Mr Grandmaitre: I pass to my colleague.

Mr Cleary: I'd ask the same question I asked the previous witness, and that was about using more volunteers like auxiliary police. Do you support that or would you be opposed to that?

Mr Cameron: I wouldn't just casually throw volunteers into situations where it would require the kind of judgement only a trained police officer has, but having said that, I think there are roles for volunteers to play. I think it's Bert Ruhl at the OPP in Barrie who is now experimenting with volunteers in an innovative way. He is using community volunteers to follow up on property offence reports when there are not enough police officers to do the follow-up calls. He's had to deal with freedom of information concerns in order to do that, but I think he's overcoming those limitations. That was a very innovative approach, because it's actually doing work that would otherwise have to be done by a police officer. It's not just make-work; it's work that would otherwise be done by a police officer. Because they have a volunteer available they get to it more quickly, sooner than the police officers might get around to doing it. That's sometimes important in achieving an effective result.

1050

Mr Cleary: You're exactly correct there. It's worked very effectively with the OPP for many years, yet now

when you have volunteers in the community who want to do the same for municipalities, they have a hard time getting by the services board.

Mr Cameron: I have no knowledge of the history of how that's happened. I certainly have an open mind on the issue of volunteers. I think I know what the issues are, but I would first listen to what the chief of police had to say about what he wanted to use volunteers for. There's no point in asking him to do something he doesn't want to do in that area, in my view.

Mr Cleary: But you're appointed to do a job, to use your judgement, not what the chief of police says.

Mr Cameron: You can make volunteers available to him, but I think in terms of day-to-day use of those volunteers it has to be something he feels comfortable doing. I think that's the strength of Sergeant Ruhl's program, the fact that it's coming directly from the officers themselves and they have the expertise to know what jobs can be effectively turned over to volunteers. If they've not thought about it I would be willing to urge that volunteers be used, but if they have a thought-out position of how they want to use volunteers I certainly would listen to that first.

Mr Cleary: Many of these volunteers want to offer their time just like they would to a service club, to try to save the community money. I've talked to many of them over the past while. I guess I would ask everyone the same question, because I think it worked very effectively.

Mr Cameron: I definitely feel there's room for volunteers in very specific tasks where they can save officers time.

Mr Wiseman: Could you maybe give us a profile of the kind of community in Orillia and whether you foresee that it might be facing any problems?

Mr Cameron: There is, of course, a native community quite close by, so there are native people who live in town and so on. I don't really perceive it as a community with the same multiracial or multi-ethnic population you have here in Toronto, but I see it as being on the edge of that. I think it's going to become more of a thing than it has been in the past.

The reason I bring that up is because I think that when it comes to arranging a police force that has the right balance of individuals in it who reflect the community, you have to try to lead that process rather than follow it. I think a lot of the anguish that's happened in Toronto is the fact that the police force is seen as being reactive to these things. It's hard. You have to have lead time to do these things, because especially in a small force where there might be a slow turnover, the decisions you're making today have an effect for quite a few years because there's not that much turnover. You have to try to lead the process and you have to try to do it fairly.

Mr Wiseman: How do you see the Orillia police force in terms of community-based policing?

Mr Cameron: I wouldn't say they're the leading edge on community-based policing, particularly. They have some involvement in the community. It's fairly typical stuff. I would say there's nothing extraordinary going on there as far as community policing is concerned. That

might be just a product of my selective knowledge of what they do in the community.

Mr Waters: This has been asked a couple of times now, and I was wondering if you could answer this question on the budgets. These community police boards are a new thing. Do you feel that having a cross-section of people, which everyone seems to be striving to have, will indeed reflect the feeling of the community when it comes to the budgets in a better way than it has in the past, where basically the chief or a small board goes forward and says, "This is what we want"? Now we're trying to expand it so that we have a cross-section of the whole community. Do you feel that would assist the community with its budget?

Mr Cameron: I think it brings more issues to the fore. It probably makes the consideration of the task of policing itself a little more complex or multifaceted. It's not as simple a task as it may have been once perceived. I think the budgeting process has to mirror the complexity of the task if the budget's going to be useful, otherwise it becomes something that doesn't really predict how spending's going to be done.

I've certainly worked in a lot of community boards where there's been a wide cross-section of individuals involved, and I would like to see even more involvement, for instance from the victim community, in police services boards. That would be an objective I would like to see, because I think these are, after all, the people who need the protection, who have historically needed the protection and who would be very aware of the adequacies or inadequacies of the police force. There are plenty of people functioning on community boards who would have the expertise in budgeting and would also have that other expertise to bring to the police services board, and I would like to see that happen increasingly. I think that's a benefit; I don't think it's a detriment at all.

Mr Waters: I'm going to go back, as I did with the last person, and ask about the training of officers, something I didn't ask her about although her board had the same need. I know from personal experience that Orillia has a water unit. I've seen them out in the narrows at Athlerley. Do you think we have to get into more ongoing training of our community police officers, not only in the training of how to handle a firearm or things like that? How do you feel about the training?

Mr Cameron: I once had a chance to look at a very small piece of the syllabus at the Ontario Police College. They have a fairly sophisticated syllabus there, they teach a wide variety of things, but I think a lot of that stuff gets left in the classroom. People narrow their scope a bit once they get on the job. I'm going out on thin ice here, maybe based on not enough experience with the way police handle things. I think there are a lot of alternate solutions they miss. For instance, if they're looking for some charge, they'll lay it under the Criminal Code when it may be more appropriate to lay a provincial offence; it may actually be cheaper for the police department to do that, because it may not use up as much time in court or something.

I know they don't use all the training they do get now as thoroughly as they could. I think refresher courses

would be good and it wouldn't be bad for them to educate themselves a little better about some of the social services that exist. I know in Barrie there was an effort to do that at the Kempenfelt centre a couple of years ago in an organized way. It was attended by some police forces, and by others not at all, so we got a clear idea of who was interested and who wasn't in learning about social agencies and what they could do for some of the people the police came in contact with. I think they should be positively encouraged to acquire that sort of information about resources outside the police force that could assist the people they come in contact with.

Mr Waters: In Toronto, the focus has been on accountability. It's been much written about in the paper and different people have talked about it. Because you're going to be on the board of a fairly small city, do you feel the accountability of the local police is adequate to the community, or do you feel there's better ways of dealing with that?

Mr Cameron: I think I would be better able to answer that question after I got on to the police services board. The structure of things is that the police are accountable to the police services board and sometimes things don't go beyond it. I think I would be disturbed if the police services board itself was cut out from certain information, but I'm not necessarily surprised if that information doesn't pass beyond the board and get into the public realm in every single case. I'm not in a position to judge it really, I feel, but I think accountability to the board should be there, and the act requires it, so I would certainly be prepared to expect that I would be kept informed.

Mr Waters: Thank you very much.

The Chair: Mrs Carter, did you have a question? No? That concludes the questioning. Mr Cameron, thank you for appearing here today.

Mr Cameron: Thank you.

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JOHN GORDON

The Chair: The next witness is John Gordon Jr. Mr Gordon is an intended appointee as a member of the Regional Municipality of Niagara Police Services Board. Welcome, Mr Gordon.

Mr John Gordon: Good morning.

The Chair: The half-hour review you were selected for was by the official opposition. Mr Bradley, you can begin the questioning.

Mr James J. Bradley (St Catharines): My first question, sir, is how did you obtain this appointment? Were you approached by someone to seek it?

Mr Gordon: In the native community in Fort Erie there was a request for an individual to put his or her name forward for the board, and when nobody had put his name forward, at that time I contacted the local member of provincial Parliament and put my name forward with all the necessary information.

Mr Bradley: When they did so, did they indicate they wanted any special qualifications or anything for the job?

Mr Gordon: Whenever the information got to me, the qualifications I understood were that you would have common sense, be able to budget, know the duties and work with the board of directors to maintain the police services in the area—be involved in the community, basically, and have a good head on your shoulders.

Mr Bradley: When they approached you about this—and this is not a reflection on you personally; it's a general policy—did anybody ask if you were a municipal councillor at the time?

Mr Gordon: At the time they approached me, I'm trying to think if I was a municipal councillor. I didn't get re-elected in the 1991 election, but—

Mr Bradley: You did not get re-elected?

Mr Gordon: No. At this time I am not a municipal councillor.

Mr Bradley: The reason I asked that question was that the previous government—not that every government has to follow that policy, but governments have generally followed a policy of not appointing municipal councillors as such to these, and when I read the résumé, it looked as though you were still a municipal councillor. I just wondered if they had changed that.

Mr Gordon: As with all politicians, we sometimes lose elections.

Mr Bradley: Don't we all know that. I can believe that.

You know, as I do, just from reading the things that have happened in the Niagara region—it's a very unfair question when a person is first coming on the board; it's a better question perhaps three years from now. What do you see as the main challenges facing the Niagara Regional Police at this time, the problems and challenges they have, from what you've read and what I've read?

Mr Gordon: I think one of their first goals, and one of my first goals on the board, would be to help the image of the Niagara Regional Police Force, to bring it back to a strong police force which is community-minded and able to provide the protection necessary and to eliminate all the questions that were raised by the Colter inquiry and just get over that and put it behind us and move on in a new manner in a better way for the community.

Mr Bradley: Another perhaps difficult question—I'd hate to be in your position if somebody had asked me this question, but no doubt you've read a few things before you got here. There have been certain restrictions contemplated for the Toronto police force in terms of their pursuit of criminals. It's unfair because you haven't sat on the board of commissioners, but just from your general sense of things, from what you've read, do you think that police need more restraint—I guess "restraint" is the best way of putting it—or more restrictions on the way they can pursue criminals in the province of Ontario?

Mr Gordon: I think they should be able to pursue criminals in a manner that is safe and does not in any way jeopardize any innocent person's safety. I think that as long as those guidelines, those restrictions are followed, they should be able to pursue criminals in whatever manner, as long as they don't jeopardize the safety of individuals.

Mr Bradley: You mentioned that the native community in Niagara was approached about this. Do you, from your experience, know of problems encountered by people from the native community in the Niagara region in the past? I really don't want to get into the present or the future but the past, so it will be easier to answer. Have there been problems that you think need to be addressed?

Mr Gordon: I don't know of any specific problems I could deal with on the police services board, but there are cultural differences that many people aren't aware of. An example would be that whenever a student, an individual or young person is being talked to by a police officer on the street, the police officer is looking at him, and a native person is taught in his or her culture out of respect to look towards the ground and not look the other person in the eye. The police officer would then say, "Look me in the eye when I'm talking to you," as many parents do, thinking that out of respect they should be looked at. That's a cultural difference and those kind of differences need to be looked at and brought to the board.

Mr Bradley: That's an interesting observation, because I'm sure many officers without adequate training would not be aware of that, and that's something that can be brought to the board.

In terms of financing of the police force, you're also aware that there is always a controversy going on about how much money is spent by police forces in the province, particularly when the provincial government is not giving them a lot of money because it doesn't have a lot of money to give out at this time. So it's obviously going to restrict how much money it's going to give out to the municipality. The municipality is concerned that its budget is there. Do you see yourself as being somewhat a financial watchdog on the police force as well?

Mr Gordon: In my present position I deal with a budget every day of the week.

Mr Bradley: As you would on council too.

Mr Gordon: On council I deal with a rather large budget. I think the budget has to be set so that it does not jeopardize public safety, and so that the police force can offer the services that are necessitated in the area, but at the same time, not go overboard on extravagant administrative items. Some restraints have to be put in those areas which are not areas of public safety and prevention of crime.

Mr Bradley: This touches a little on a previous question I asked. There's been a lot of controversy about police chases of a vehicle, where there's someone who has committed a crime or is suspected of committing a crime and a police chase ensues. If you think of all the chases that take place there may not be many problems, but occasionally there's an accident. An innocent person is involved in it, or perhaps a police officer is injured, or perhaps the person being pursued for what you'd call not the most serious of crimes is badly injured or there's a death. What is your general view on police vehicle chases?

Mr Gordon: Perhaps you also missed one thing: that the police cruiser's damage affects the budget.

Mr Bradley: Good point.

Mr Gordon: If the officer can pursue a criminal or a suspected criminal in a safe manner that won't cause harm to himself, the vehicle or any other pedestrians or innocent victims, then I feel he should pursue that criminal. If at that time he sees that he cannot pursue him with safety in mind, he should eliminate the chase and further investigate and catch the criminal at a later date.

Mr Bradley: The provincial government was criticized in the local newspaper for making patronage appointments of well-known New Democrats to the police commission. I take it that you wouldn't fit in that category.

Mr Gordon: At this time, I'm not a member of any party. I was previously a member of the Liberal Party.

Mr Bradley: I knew that. That's why I said you wouldn't fit this category.

In regard to Fort Erie itself and that end of the peninsula, there has been a view—I just wanted to tell you that you appoint some good people. In Fort Erie and Port Colborne, let's say that end of the peninsula, there's been a concern expressed that the police services are not as good or as efficient as they have been in the north part of Niagara peninsula. I don't know how valid that is, but I know that people down in that area who haven't had people on the commission have said it's a problem. Is that still a problem, in your view?

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Mr Gordon: That is a valid point. One of the councillors in the previous election had mentioned that his main goal was to bring a 24-hour police station to Fort Erie, which we don't have at present. Fort Erie has a population of only 24,000, but we deserve as much service as any other community. I think Fort Erie and Port Colborne are not getting the kind of service they desire, especially in the Crystal Beach area. That was one question a lot of community residents brought up when I sat on council, that they didn't feel they were getting adequate policing.

The Chair: Mr Cleary, you have one question, a quick one.

Mr Cleary: John, thank you for appearing this morning. I see by the information we have on you that you've been a great volunteer in the community for many years. As I asked some of the previous witnesses, the information I have is that volunteers like auxiliary police aren't looked on favourably by police services boards. I'd just like your comments on that.

Mr Gordon: I think the purchase of a \$10 plaque often goes farther than the amount of salary paid to a regular constable. Volunteers play a very important part in the police force. As the other candidates or other individuals have said, I question their ability to go out and actually enforce the laws, but in other categories I think they're used very well. As I said, I think a \$9.99 plaque is a lot better than \$40,000 a year.

Mr McLean: Welcome to the committee, John. I was looking at your employment history, and you were with the Prudential Insurance Co for some time. I see your résumé says you're now an accountant.

Mr Gordon: I'm a bookkeeper; fancy title, accountant.

Mr McLean: There's quite a difference. I was wondering when you went back to school to get your CA, but I guess—

Mr Gordon: No sir, not chartered accountant. "Accountant" is the title I was given. That wasn't my choice.

Mr McLean: Anyhow, I wish you well. The region of Niagara municipality is one of the larger forces in the province and four of these seven are appointed by the Lieutenant Governor in Council. Will you make that complement seven now or is there still a shortage on the board?

Mr Gordon: I think I would make the final, fourth appointment from the province.

Mr McLean: As a municipal councillor you would be somewhat aware of the workings of a police services board, I'm sure.

Mr Gordon: I was aware of it but not fully aware of the details of it.

Mr McLean: I noticed that the number of females percentagewise is very low. What would be your aim as a commissioner on the board to change that?

Mr Gordon: I think the barriers to females being hired as police officers and also the barriers for promotion should be eliminated. That would all fall under the employment equity plan. I just feel they should be brought in. The only people who should be made police officers are those who are qualified and meet every aspect regardless of employment equity. If we can fulfil employment equity goals, timetables and schedules while at the same time maintaining a qualified police force then I say we should go for it.

Mr McLean: That's an excellent statement. On the political activity of police officers, one of the previous appointees indicated that there should be no problem with that. I see no problem with that. Do you have a view on that?

Mr Gordon: I don't feel they should be able to do it while they're employed or while they're actively policing. But on their own free time I think they should be more than free to do what they wish.

Mr McLean: You've read in the last while about the use of pepper spray. I don't know whether you're familiar with what's gone on with regard to that, but would you as a member of the board encourage that, provided all necessary precautions are met?

Mr Gordon: Pepper spray, TASER guns, stunning devices, all these devices should be looked at as an alternative to weapons that kill. This type of weapon needs to be looked at; all the ramifications of using it need to be looked at, and at that time I can make a better decision. Right now I don't have all that information. I think alternatives to force should be looked at, but at the same time not jeopardizing the safety of the police officer.

Mr McLean: How many meetings do they have in a week? This is a large force. They have to meet more than once a week, don't they? Do you have any idea?

Mr Gordon: I honestly have no idea.

Mr McLean: Do you have an idea what a police services board commissioner would get in salary?

Mr Gordon: I honestly have no idea.

Mr McLean: You're well qualified, and I wish you all the best.

Mr Gordon: Thank you very much.

The Chair: I believe Mrs Carter indicated she had a question.

Ms Carter: You already said you think police should have training in understanding different races. Do you think it's important to have people on agencies, boards and commissions such as the police services boards who do represent the different cultural backgrounds we have in Ontario?

Mr Gordon: It most certainly is important to meet the employment equity that's being brought down or has been passed to the Police Services Act. If we're going to succeed in community policing, we need representation so that all members of the community can associate with the police force. Yes, I would say it is important.

Ms Carter: So that all points of view should be represented.

Mr Gordon: Correct.

Ms Carter: What kinds of advantages would come from this in terms of actual police functioning?

Mr Gordon: I think once we have a police force that's representative of the community, the community will take that police force in and associate with it instead of just looking at them as the people with the blue suits and the badges who drive around in police cars, and trying to avoid them. I think you take them more into the community, so it's important to see a representation of all types of races and cultures.

Ms Carter: Would you say that some of the problems we've had recently in Toronto, for example, are due to not having that kind of integrated police force and boards to go with it?

Mr Gordon: I don't think we can say the problems were created by that. I know Toronto has great problems and decisions to make in that regard, but I don't think that was a major problem. I think it played a role in it, but I think there are many more pieces to that puzzle than just a representative police force.

Ms Carter: Does your local police services board have a reasonable representation on it now, or do you need to see a big change?

Mr Gordon: I don't see many police officers, so I honestly don't know. I see them around but I don't really have any knowledge of who is on the police force.

The Chair: Any additional questions? Mr Marchese.

Mr Marchese: The issue of relations between the police and racial groups continues to be an ongoing concern. Do you think race relations training for police officers is important?

Mr Gordon: It is a must. It should be made mandatory right in the training so you can understand other cultures and other backgrounds and know how to deal with them so you do not offend other cultures and create more problems.

Mr Marchese: So that would be one way of getting the police and the different communities to understand each other better. Are there other things one could do, police and community or any third party, to bring the two closer together?

Mr Gordon: Basically, the police force itself can do more to be active in the community. The police need to become active in every aspect of the community, not just when they have that uniform on. They have to understand that they are police officers 24 hours a day in a community, that every place they go in the community they are police officers and have to act as such. I think that's the way to intertwine the community and the police force.

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Mr Marchese: It's quite clear that different people have quite polarized views on the whole issue of the police and how they are dealing with racial minorities or other groups in society, and sometimes those extreme views can be a problem. What do you suggest as a way of bringing the conflicting interests or people together as a way of beginning to solve some of those differences?

Mr Gordon: I would say they all have to sit down and talk and see what their goals and objectives are. I think if they all found that they had common goals and objectives they could work towards those. Regardless of how they worked or how radical their views were on racial issues within the police force, I think everybody could be working towards a common goal. I think once that's set out, everybody can work towards it.

The Chair: Anybody else? Mr Waters.

Mr Waters: Actually you did ask what I was going to ask, but it's okay. I always find something else, and it's the training. I think I would want to know your opinion on training, because it appears that a lot of officers, especially long-time members of forces, don't regularly go back for retraining and upgrading. I am just wondering what your opinion would be.

Mr Gordon: I think training's important to everyone. An athlete doesn't stay an athlete if he doesn't train constantly, and I don't feel a police officer should stay a police officer if he's not trained constantly. I think all officers, regardless of how long they've been on the force, should go for training on a consistent basis. That should be offered regardless of how much it costs or who's footing the bill. That's important to the community and we should be training our officers.

The Chair: Mr McLean didn't use up all of his time and he has a quick question.

Mr McLean: I really have something I want to put on the record for your use at a later date. Your region has a population of 360,000. You have 592 uniformed officers and 230 civilian staff, for a total of 822 personnel, with a budget of \$57 million.

York region, the next one we're going to interview, has a population of 504,831. It has 684 officers, 113 civilians and a budget of \$55 million for 797 personnel. You have in your region approximately 30 more personnel, with a lot less population, and your budget is \$2 million more than

what York's is. There are some statistics that you can take to the board. You'll find an interesting reaction.

Mr Gordon: Thank you.

The Chair: Thank you, Mr Gordon. That concludes the questioning.

Mr Wiseman: I'm not sure what your point was there, but—

Mr McLean: It is running a lot more reasonable costs.

Mr Wiseman: Or Niagara is doing a lot better job policing.

The Chair: We can pursue that question perhaps in more depth with our next witness.

EVELYN M. BUCK

The Chair: Ms Buck, would you come forward, please. Ms Buck is an intended appointee as a member of the Regional Municipality of York Police Services Board.

Welcome to the committee, Ms Buck. We'll begin the questioning with Mr McLean.

Mr McLean: Welcome to the committee this morning. I see by some of the information we have that you have a long history of political experience. How many years did you serve on the police commission?

Mrs Buck: I didn't serve on the police commission. York region's police department is 20 years old. Prior to that we had 14 municipalities, and each municipality had a police committee, so I was a member of the police committee for one term. I was chairman of the police committee for a second term of municipal council. That would be four years. I was also a member of an organization called the police governing authorities and on the executive of that for one term.

Mr McLean: The statistics that I had just read out there a short time ago are certainly an indication that the York board is running, on a per capita basis, on a lot less than what the Niagara region is. Some may say, "Is that relevant?" I would anticipate that York region is totally built up now, is it not?

Mrs Buck: No, it's a vast region. There's far more of it that is still rural than is built up. We have nine municipalities. It's huge. It goes from Steeles Avenue to Lake Simcoe.

Mr McLean: Right. Which would be the area that is rural?

Mrs Buck: King township, huge areas of Markham and Vaughan, even Richmond Hill has huge rural areas surrounding it. Newmarket and Aurora are the only totally urban municipalities. Whitchurch-Stouffville is almost totally rural, with hamlets and villages. Stouffville is probably a town now. Georgina is a huge cottage area and rural area.

Mr McLean: Are you involved at the present time in any other volunteer organizations?

Mrs Buck: No, I'm not.

Mr McLean: Did you apply for this position on your own, or were you asked if you were interested?

Mrs Buck: There was an inquiry made within the region, because the person who is leaving the board is female and they wanted to continue the opportunities for women, so there was an inquiry made and my name was put forward. I was asked if I was interested and I was interested, so I submitted my résumé.

Mr McLean: What changes would you like to see made, if any, to the way the police services board operates and in particular the way the regional police force is operating?

Mrs Buck: In particular in York region?

Mr McLean: Yes.

Mrs Buck: I think we have a very challenging area. I was an NDP candidate in the last federal election, before you ask.

Mr McLean: I already knew that.

Mrs Buck: I spent eight months, from May until November, knocking on doors throughout the region. We have people in our region from every corner of the globe. There's no particular minority that is hugely represented. So the challenge I think would be to keep the contacts open and working with the people in the community. The people who have come to live in our area are from countries where they had perhaps not the same amount of experience with an organized police department as we do, and I think it's important to help them to realize the police department is there for the protection of the community so they will trust the police department.

We're not Toronto, Toronto is not Los Angeles, York region is not Toronto; we don't have the same problems. I think most communities have to be prepared to respond to the particular situations in their own area and look down the road and see what problems might develop and be prepared to make sure they don't develop, maybe.

Mr McLean: That leads me to my final question. That is, with regard to force to apprehend, could I have your view on what types of force you would indicate should be—there has been a lot of discussion on deadly force and how they're apprehending people. What's your view on how the police should be doing that?

Mrs Buck: I think there are certain situations, and thank God we don't have them too often in York region, where the police have to be prepared to use unusual force. I don't think any police officer draws his gun without very serious thought in this country. I don't believe it's a casual use by any means. But we give them guns, and coming from where I do, I found that a little hard to accept. We give them big, dangerous weapons, and then when they find themselves threatened and use the weapon they're hugely criticized. I think it's a dangerous job in some situations. Preferably, and I'm sure from the individual officer's point of view, he would rather not have to live with perhaps having killed someone with a gun.

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Mr McLean: Do you think a police officer would be better if he didn't have a weapon?

Mrs Buck: No, I'm not saying that. They've had them for a long, long time. I'm not saying they should have

them taken away. I'd probably be taken out and have something serious done to me if I suggested we should take their weapons away from them, but the other thought I have is that there isn't enough understanding in the community of the nature of a policeman's job. It's not a nice job. It's not a pleasant job. It's at the worst dangerous and at the best very tedious and boring, but in between there's sort of a them-and-us situation. Most of us don't appreciate being stopped, even if it's just for speeding.

I think there's a need in these times to develop an understanding in the community of the nature of a policeman's job. I think it's people who maintain law and order; I don't think it's police departments. If people didn't respect law and order, then there are no numbers of police who would be able to do it for us. We have to maintain that respect in the community at all costs and whatever can be done at the police level to maintain that respect for the police department.

I tend to run on. I know you have a limit to the time.

Mr Frankford: Can you give some indication of some peculiarities of a region like York for the policing problems you have there: what types of crime, what's the balance of crime versus traffic, and things like that?

Mrs Buck: I asked once, when the budget was being presented at the region, what the ratio of crime was, and by far—about 75% or something like that—was traffic problems; another 12% was domestic violence, which no one can predict; and a very small percentage was actual criminal activity.

I think the criminal activity has probably increased. When you have a recession, people are out of work, and then criminal thefts and that sort of thing always increase. We also have a lot more industries in the region, so I would imagine that the criminal activity has increased. But by far the largest percentage is still traffic and domestic violence. I don't see anything in our headlines to indicate that anything different has been happening, because we don't see everything in our newspapers.

Mr Frankford: Can I perhaps then move to the non-crime aspects? Does the traffic aspect occupy a police board's time very much or is that something which routinely is taken for granted?

Mrs Buck: Money has to be made available for things like the Reduce Impaired Driving Everywhere program, for example, and when they're preparing a budget they have to consider what their priorities are. The RIDE program was very effective in York region, as it was in most areas of the province. Ten or 15 years ago we were losing a tremendous number of young people in traffic accidents. I haven't seen nearly as much as that in the last 10 years either.

Mr Frankford: I could see that some of that could be addressed by much more social approaches.

Mrs Buck: Not having the availability of a car may be a factor.

Mr Frankford: Exactly. If one could be designing cities differently—I don't know if you're familiar with Andres Duany, a rather eminent urban planner who says that we're designing our cities and suburbs to produce happy cars. I think there's a lot in that.

Mrs Buck: Oh, yes.

Mr Frankford: We allow them to flow smoothly and there's very little in the way of intrinsic barriers to speeding. I know this maybe is a bit off the conventional activity of police commissions, but I wonder if you have any thoughts on whether that's something you might actually be getting into.

Mrs Buck: Without knowing exactly whether there is a serious problem, I think the RIDE program had a spill-over effect at other times of the year as well. People are much more conscious of the community's revulsion against drinking and driving and causing deaths by being behind the wheel of a car under the influence of drink. I think there's a much stronger reaction from the community towards this, and that makes everyone conscious that it's an anti-social thing to do, so that reduces the deaths as well.

Mr Frankford: I don't know the figures and I would be interested in looking into it, but I would suspect that a lot of the—

Mrs Buck: The time spent?

Mr Frankford: No, the bad consequences of cars are sort of urban design things. I would think in smaller hamlets that it's just how stop signs are designed and perhaps the police activity would be stopping people making illegal turns and investigating crimes or accidents that occur when—

Mrs Buck: It's the traffic engineers who determine on the basis of their technical knowledge.

Mr Frankford: Exactly. I think the problem, as Duany would point out, is that they are designing places for happy cars, that they are not concerned with the consequences. I think it's quite interesting to look at the Toronto Star right here and ask all about the terrible driving habits here, which I think is a wonderful piece of victim-blaming, ignoring the design aspect and ignoring the fact that the Toronto Star on Saturdays is advertising cars that—

Mrs Buck: Are hazardous.

Mr Frankford: Their car writers are writing about how they will go from zero to 60 in five seconds or whatever, as though this is an actual virtue.

Let's move on to the domestic violence side. Did you see any things you would like to encourage to prevent there?

Mrs Buck: I think all over society is becoming very much aware of the extent of domestic violence and that it's not acceptable. The police are obviously getting the same message; they've never wanted to be involved in domestic violence. They get a call to a home and they go there and the person who attacks them is the wife who's being abused. So you can't really blame them for an attitude of turning a blind eye, because of their experience.

At the same time, everybody has to become aware. Women have to become aware that they don't have to accept it. The police have to become aware that this community wants them to charge this individual who's responsible. I think the kind of publicity this problem is getting in the community can only help to improve things. We might see a lot more people in court charged and we might see a lot more women not able to let the husband get away with it. I tend to favour that, that women have to be encouraged

and protected, helped and supported to stop an abusive spouse.

Mr Frankford: One final question. Would you like to comment on the need for shelters and places where people can get away from the domestic violence?

Mrs Buck: Yes. We were the first town in the region of York, I'm very proud to tell you, to have a shelter, the Yellow Brick House. As a member of a mostly male council, I suspect I had a bit to do with resisting the neighbourhood opposition, shall we say. But I'm glad to say also that there are a number of others that have been provided since Aurora has shown the way.

The Vice-Chair (Mr McLean): Ms Carter, for a short period.

Ms Carter: Could you tell us something about your views on employment equity? You said you will be replacing another woman, so we're not actually progressing to more women on the board because of your appointment. Is progress being made in that kind of direction? What do you feel about it?

Mrs Buck: I think it's a matter of encouraging women to think of themselves in those roles. That's not going to be done overnight. I think the younger women are going to be much more inclined to see themselves as a member of a police services board. It's been a male prerogative for so many years.

Ms Carter: Of course there are the other groups that are designated, the visible minorities, disabled people and aboriginal people.

Mrs Buck: They have to be encouraged too. As I say, I think it's education and it's going to be a generational thing that's going to take time; people have reached an age of maturity where they might have something to contribute and all their lives have not thought of themselves in that role. The opportunities are there today.

Ms Carter: So you don't think there's anything much the board can do in the short term to encourage people like that to apply? You think time will take care of it?

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Mrs Buck: No. When you're looking to appointing people to a board, politicians are looking to appoint people. The appointed people are not accountable. It's the elected people who are accountable. So it stands to reason that elected people will look for competent people wherever they find them, because the elected people answer for the decisions of the appointed people.

Ms Carter: Of course we have to learn to see the competence behind the different front to—

Mrs Buck: Yes, give them opportunities to acquire that competence. When I started, there weren't that many.

The Chair: You have 30 seconds.

Mr Marchese: I just want to make a point. I saw a television program where police were talking about how things have changed in the last 10 years. In the past they would have asked the wrong questions, "What did you do to provoke something?" not understanding the nature of victimization, believing that if women don't want to get

out of a situation that was their tough luck. The policemen have said they've come a long way from having such views 10 years ago, moving ahead to having a much better understanding of how abuse can happen to women and what they need to do about it. I see that as a very encouraging thing. Hopefully we can move the police force to move much more progressively in that direction.

Mrs Buck: We're moving all the time.

The Chair: I am sorry, Ms Buck, we've run over time on that.

Mr Grandmaître: That's a good question.

Mrs Buck: Do you want me to answer it?

Mr Grandmaître: No. Maybe if I have time later on we can go back. Here's my pet question: You have a great deal of municipal politics experience. You were a councillor, a reeve, a mayor. I'm sure you're quite aware of what AMO is saying at the present time, or has been saying for the last nearly 10 years, that municipal councils don't have too much input into police budgeting. What are your thoughts? Do you think municipal councils should be more involved in police budgeting?

Mrs Buck: Not in preparing the budget, no, but there is an opportunity for councillors when the chairman of the police commission and the police chief attend council and make a presentation of the budget. Then the elected people have had an opportunity to analyse it and ask whatever questions they might have. I've found in my own experience that I was probably the only one who was asking questions, like what percentage of their work related to traffic, crime or domestic violence. I was a bit of a villain for having the gall to ask those questions.

Mr Grandmaître: That's good.

Mrs Buck: There was a feeling that you didn't question the police budget or the police chief. You just gave them whatever they asked for and got on with the other things you had to deal with. Of course, they have a lot to think about. The police board is given the responsibility to do these things. Hopefully they will do it with consideration for the taxpayers. They need to do a good job and to have the resources to do a good job, but make the best use of those resources.

I think we've been too well off in Ontario for too long. Now this shortage of funds may not be a bad thing to teach us all to make the best use of the money that's available.

Mr Grandmaître: I agree with you and I think the same thing is happening with school boards.

Mrs Buck: Absolutely. It's taken too long.

Mr Grandmaître: Municipalities are tax collectors and have very little to say in school budgeting or budgets.

Mrs Buck: Or programs.

Mr Grandmaître: I find it very unfair, because when municipal politicians knock on doors they get the brunt of everybody's dissatisfaction. Everything is blamed on the councillor, mayor or reeve, because maybe they're the only ones knocking on doors. I think it's very unfair. AMO has been asking for some kind of change of attitude, or even amendments to the Municipal Act or the Police Act

and so on and so forth, but with very little success. I find this very unfair.

Anyway, having said this, as you know, there's a lot of youth unrest. One of the causes is lack of summer employment and lack of community programs, youth programs. A little while ago you pointed out how important it was to understand your community. I think you're absolutely right. Do you think your police force really understands your community and how it can improve this relationship, especially at the youth level? Are they very competent or not so competent?

Mrs Buck: There isn't any feeling of concern in the community that they're not competent. I personally think it's a little early to suggest that the riot on Centre Island had anything to do with youth unemployment; they're not out of school yet. I think youth are better off than many adults in terms of the job opportunities, because employers are having to go to young people whom they can pay less and hire them on part-time. So I think the job opportunities are there for the young people because of the economy. I think it's ridiculous to suggest that the riot on the island was because of lack of job opportunities. It's the beginning of June, for goodness' sake. They're not even out of school yet.

I think maybe we're in too great a rush all the time to take responsibility as elected people for every little thing that goes wrong out there. I think when you get 3,000 kids together on a hot summer day, something's liable to happen.

Mr Grandmaître: What is your police force doing with the youth population in York?

Mrs Buck: What are they doing with them?

Mr Grandmaître: Yes.

Mrs Buck: I don't know. I think they're fairly law-abiding people. We've been reading about it. I read the local newspapers. The papers aren't the way they used to be either. They give us a sort of police brief, a little strip of charges that were laid in different communities. I don't think we have a problem, or we would know about it. I don't think there's a serious problem. We have all kinds of opportunities. It's a growing area, the fastest-growing area in Canada.

Mr Grandmaître: It is.

Mrs Buck: There are malls and new industries moving out of Toronto into our region. There are job opportunities out there. Probably if we had a problem, it would be a regional transportation system that would allow them to get wherever they want to go without having to get into a car. We don't have a public transit system that would serve that purpose.

Mr Grandmaître: Is your police force involved in community policing?

Mrs Buck: We have an auxiliary police force.

Mr Grandmaître: You do?

Mrs Buck: Yes. They're used in things like parades and fairs and that sort of thing. I think if you have a lot of that kind of activity going on, you have work for them to do. Because we're a new police force, we have three new police headquarters. The training facilities are provided in the headquarters; it's very up to date. I don't know how we managed to cost less than Niagara Falls, because they

haven't gone without too many things. We have a marine detachment too, on Lake Simcoe. I think they were even talking about a plane a couple of years ago.

Mr Grandmaître: In the last 12 months I've had the opportunity to meet and to talk to police chiefs in Ontario. The perception out there is that we're appointing people to police service boards who are anti-police. Do you believe this?

Mrs Buck: No. But we had a policeman on the council, and there's a feeling that because of the nature of their work, the police are sort of isolated. The humour they share is humour that you might not think is funny. They have to joke about the things that happen in their job, but if anybody outside the police department heard them joking, they just would not think it was very humorous. Their wives have to associate with each other. In their leisure time they can only associate with each other because of the nature of their work.

I think there's a real need for the community to understand that and perhaps somehow or other bridge that and make them realize that we don't just support their work because we see them in nice blue uniforms visiting the kindergarten class; that we know what their job is, that we know what a terrible job it is and fully appreciate it. You can't compensate with money for the kind of job they do. Sometimes we're inclined to think that will make up for the kind of work they have to do.

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Mr Grandmaître: Any possibility of running again?

Mrs Buck: Running? For what? The last couple of years I've had some family problems. I had to go to Scotland for six months. I have a little grandson who has cancer and isn't getting better, so I've had some family problems that have taken up a lot of my time.

Mr Grandmaître: But you're still involved in your community.

Mrs Buck: Yes, I can't get it out of my system.

Mr Grandmaître: Good luck to you.

The Chair: Thank you very much, Mrs Buck. That concludes the questioning.

Mrs Buck: Finished?

The Chair: You're finished. We wish you well.

Members of the committee, our next witness is Christine Jenkins. I don't think she's arrived yet and there's some concern about whether she's going to arrive. The ministry has been unable to contact her, although the clerk's office talked to her this week and indicated she was going to be present. Is she present?

Clerk of the Committee (Mr Douglas Arnott): Not yet.

The Chair: The one thing I could mention for the benefit of members is that next week we're meeting to discuss draft reports on a number of the agencies we've reviewed. Perhaps David can quickly mention the agencies we'll be looking at.

Mr David Pond: Draft reports on the Ontario Municipal Board, TVO, the Community Advisory Board of

Brockville Psychiatric Hospital and the Liquor Licence Board of Ontario, as well as the paper I've prepared reviewing the material we received from agencies which have been reviewed by this committee since 1988. As you recall, they were all asked to prepare a response to the committee's recommendations and I went through the material and prepared a summary of their responses for you to look at.

The Chair: Hopefully members will have an opportunity to review those drafts before next week and we'll come prepared to finalize, hopefully, all of them.

One question I want to pose for your consideration is whether or not you want to have those deliberations conducted in camera or in open committee. Traditionally, historically, for the most part they've been done in camera, but I'm just looking for direction from committee members. How would you wish to proceed? Any comments?

Mr Frankford: I think we should probably continue that tradition.

The Chair: Anyone have any objections or concerns about those deliberations taking place in camera?

Mr Grandmaître: I don't see any problems.

The Chair: I don't want to have anyone complain next week, because we're going to provide direction to Hansard that we don't have anyone here to take notes or have an electronic Hansard present. If no one has any objections, we'll meet in camera.

Mr Waters: What you're saying is that we will have discussions in camera, and then if we decide to put anything on the record we can do that later? As a group we would make those decisions or—

The Chair: If you wanted to do it on that particular day it might be difficult making arrangements, but—

Mr McLean: The problem so far has been Hansard, hasn't it? Really, what we're going to do is review what we've done?

The Chair: Well, we're hoping to finalize. We're having the draft reports and hopefully we can finalize. There may be some concerns that arise, especially in respect to, say, the OMB, which we haven't had a lot of discussion about, but I would think that we'll be able to finalize at least two or three of those reports.

Mr McLean: I don't know why we'd have it in camera. It just doesn't make sense.

Mr Marchese: I'm also sympathetic to the idea of having it public and deciding at any point, if we consider there is something that should not be in public, to leave it for the private session we could have at the end of it. I recommend that we do as much as we possibly can in public. It would be useful to have other views from other members.

Mr Frankford: We have done this before. I forget which.

The Chair: Well, we've had this discussion before.

Mr Frankford: The OMB I think was one.

The Chair: We ultimately ended up having a public session. All right then, I guess we're going public.

Mr Waters: I believe, Mr Chair, you brought up something last week, I think it was, about Ms Wexler and

her expenses, which we checked into. Apparently, when we checked into this, she hasn't submitted her forms, but indeed it is a policy and the minister directed the ministry some time ago that if someone submits a claim, it is to pay it. They have been in touch with her this week, and as soon as she gets the forms, then she will indeed receive compensation in the appropriate manner.

The Chair: Excellent. Thank you.

I'm not sure what we should do at this juncture, because it's already noon hour.

Mr Grandmaitre: I propose that we adjourn.

The Chair: First, before we adjourn, we had better deal with the intended appointees we reviewed this morning. Can we have a motion?

Mr Waters: Mr Chair, she's here.

CHRISTINE JENKINS

Ms Christine Jenkins: Good afternoon.

The Chair: Grand entrance, Ms Jenkins. Have a seat right there. That's fine.

Christine Jenkins is an intended appointee as a member of the Town of St Marys Police Services Board. Ms Jenkins, since you've missed what's gone on here earlier, this is a 30-minute review, 10 minutes to each party represented on the committee. You were chosen for review by the Conservative Party and I'm going to look to Mr McLean to begin his questioning.

Mr McLean: Welcome, Miss Jenkins. You worked at the YMCA in Barrie some time ago.

Ms Jenkins: That's right.

Mr McLean: Do you have connections in that area?

Ms Jenkins: Just personal connections.

Mr McLean: No family connections.

Ms Jenkins: No, none at all.

Mr McLean: I see. How did you know there was an opening on the St Marys Police Services Board?

Ms Jenkins: I read the advertisement in the St Marys newspaper last September.

Mr McLean: What community involvement have you had with regard to the town of St Marys?

Ms Jenkins: I'm currently on the St Marys recreation department community council, I guess you would call it, advisory committee, and we meet once a month to discuss issues surrounding recreation. I also have been involved in teaching adolescent leadership courses in the town of St Marys for recreation.

Mr McLean: How long have you lived in St Marys?

Ms Jenkins: Almost two years.

Mr McLean: Two years. Where did you teach before? Was it 1988 to the present that you've been at the Perth county board?

Ms Jenkins: I didn't. This is my first employment as a teacher.

Mr McLean: That was in 1988.

Ms Jenkins: That's right.

Mr McLean: Are you a member of any political party?

Ms Jenkins: No, I'm not.

Mr McLean: Were you?

Ms Jenkins: No.

Mr McLean: The other question I have is with regard to the board itself. Are you aware of the size of the board?

Ms Jenkins: At present it has two committee members from the civilian population and two elected officials from town council.

Mr McLean: Do you know any of the members who are on the board?

Ms Jenkins: No, not personally.

Mr McLean: What is your objective in becoming a member? Do you have some specific input that you would like to see happen within the community?

Ms Jenkins: I would like to have a voice in my community, and I'd like to be involved in my community for a meaningful purpose. I also consider myself an advocate of women's rights, which I don't always think are adequately represented on town council or in other municipal functions.

Mr McLean: There are eight uniformed officers. Are any of them female?

Ms Jenkins: Not that I'm aware of, no.

Mr McLean: I would presume there's not a great turnover of police officers with that number.

Ms Jenkins: I couldn't answer that. I don't know.

Mr McLean: No. The other question I have is with regard to the use of force within police services across the province. There's been a lot of discussion, as you have read and I have read. Do you have any determined attitudes that you would like to see changed with regard to the force that police officers use?

Ms Jenkins: Having little background with police work and police problems in St Marys, I'm not really prepared to answer that question. I presume that more effective training would be the first route of change and if force was still necessary, then it's certainly reasonable to explore other avenues of force, but I can't comment on which ones are appropriate at this time.

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Mr McLean: Since you're involved in the judicial system—that's why you applied—do you feel a victim's bill of rights would be of benefit to the residents of the province? A victim's bill of rights would be that victims would be protected. When they're releasing people from institutions the victims would know and be more aware of the person who raped them, or whatever happened, and that they are out now.

Ms Jenkins: I think any legislation that protects a community at large and at the same time respects the rights of individuals would be appropriate.

Mr Frankford: Do you have any idea at the present time of the balance of how police requirements are divided between, say, criminal activity, traffic and domestic problems?

Ms Jenkins: In my community?

Mr Frankford: Yes.

Ms Jenkins: No, I don't. I can only guess.

Mr Frankford: What would you guess?

Ms Jenkins: I guess it would probably be pretty close to one third. If there is a larger portion, it would be traffic.

Mr Frankford: Okay. Do you have any thoughts on how to change the balance or how to reduce it, let's say, in the domestic field and the traffic field?

Ms Jenkins: In the domestic area, certainly more effective training for police officers would be appropriate, maybe our position of zero tolerance in St Marys and a greater community awareness of the problems of domestic violence that exists in our community and across the country; in traffic, I would say more visible patrols in key areas on a regular basis.

Mr Frankford: Okay. I'll pass.

Mr Waters: My question would be on the subject of police accountability to the community. There have been a lot of people out there talking and it's been in the press quite a bit, about police becoming more accountable to the community, shall we say, in a very direct way. I was wondering what your feelings were on that.

Ms Jenkins: I agree that police have to be accountable. I also think the community has to respect their position and their jobs as police officers and work together as a community to help them achieve a balance between individual rights and problems that exist in the police force. I'm not convinced that public hearings are the answer, but I think police services boards are a good initial step towards police accountability and a second check in the system.

Mr Waters: We all know that Toronto has, shall we say, a race problem, it appears, with the policing of Toronto. There has been a lot of talk about that. In small town, rural Ontario, we don't seem to have that yet. Do you feel we could learn from Toronto's mistakes and prepare for it as people of different races move out of the city? Do you think we should prepare now for that or do you feel the police forces are adequately prepared for dealing with the different cultures?

Ms Jenkins: No. To use your words, if they were Toronto's mistakes, then we're not prepared for it. Effective training for everyone, maybe not looking at Toronto as a mistake but looking at it as a beginning or a basis for comparison, would be a good starting point for police training; community awareness as well. I don't believe it's just a police issue.

Mr Waters: Okay. I know there's been much talk in these committee hearings, because we seem to be reviewing all police boards today, about policing budgets. There's been some discussion as to whether the community should have more control over the budget of the local police force. Do you feel the modern makeup—because when I looked at St Mary's, I believe there are two municipal councillors or the mayor and the councillor, as well as some people at large—will help the public's concern about the budgets and the cost of policing or at least show some sort of control?

Ms Jenkins: Yes I do, and I think the two elected officials are even more sensitive to budget concerns in the town and have lots of communication with the citizens and would be a good voice on that board.

Mr Waters: Thank you. Those will be all my comments.

Ms Carter: I just wondered what feelings you have about the role of the police force. Do you see them just primarily as being there to enforce the law or do you think they should be branching out into more of a community service type of role?

Ms Jenkins: I think their services should match the community in which they work, and each community is unique. If there certainly was a need, if community awareness and community services demonstrated in that community that it would prevent crime or criminal activity or protect the citizens of the community better, then that would be appropriate, but I think that should be evaluated on an individual basis.

Ms Carter: For each particular local board, you mean?

Ms Jenkins: Or each community, yes. I believe the needs of the town of St Mary's are much different than a large municipality like Toronto.

Ms Carter: Would you have any problems with race relations, for example, or is that not relevant to a place like St Mary's?

Ms Jenkins: I think it's relevant. The amount of time and energy put into that training might differ for a community like St Mary's as compared to Toronto, but I don't think it could be neglected. We do have visible minorities there, in smaller number, but they exist in our community.

Ms Carter: Do you know if the police are adequately trained to understand people with different backgrounds?

Ms Jenkins: I don't know.

Ms Carter: Is that something that would concern you?

Ms Jenkins: Yes, it would. I would include women in that training as well; and also maybe adolescents, which I believe is our largest crime population in St Mary's, according to our Crime Stoppers reports in the paper anyway.

Ms Carter: Sometimes I think police react to the appearance of the person they're dealing with, forgetting what your sex, race, age or anything else may be. It doesn't really affect the person you are all that much. The need to be more sensitive, not prejudging people, would you say that was valid?

Ms Jenkins: Yes, I would. I would say that of anyone in our community who works in the public sector or with people, not just police officers, but they certainly have a reason to be even more sensitive. I think that training begins at an early age and whatever baggage or prejudice they bring with them to the job might be difficult to retrain.

Ms Carter: Of course, job equity is coming to police forces across Ontario now. They have to look at visible minorities, the disabled, aboriginals and women to make sure they are adequately represented in whatever the workforce is. But of course you have such a small number of

uniformed police officers in St Mary's, so this is probably not going to have very much of an impact.

Ms Jenkins: I think it will have an impact, an important one, but maybe not as significant as in a larger community.

The Chair: Do you have another question, Mr Waters?

Mr Waters: You brought up a very interesting point; the lights went on, because I represent a number of small communities. You brought up the point of adolescents. If your community is anything like mine, I think the biggest problem in my community is vandalism and the destruction of the main streets to the point where some of our elderly are afraid to go out for evening strolls, what with roaming groups of young people. I would like your opinion as to whether you feel there is anything that can be done about this by the police services boards or by the police departments.

Ms Jenkins: I would have to say yes to that question. As a resident myself, I would like to walk the streets and feel safe with my purse over my shoulder, so certainly there must be something that can be done to make it better. What those specific answers are, I'm not sure. It may involve working in cooperation with local schools or teachers or community service police officers in helping these people become more responsible for their community or involved in their community in some way so that we can take them off the streets and reduce the amount of vandalism that occurs.

Mr Waters: When I was young in my town, we had local police. Now we're policed by the OPP. We had foot

patrol all the time; everybody knew the police officer's name and we seemed to have a rapport. There were always some things going on, but now in small-town Ontario I find it amazing. If you were to take the amount of vandalism in small-town Ontario and put it into Toronto, it would be the riot on Yonge Street by sheer numbers. It's becoming increasingly a major problem in the small communities.

Ms Jenkins: I think it's unfair to compare adolescents in 1992 to when you were an adolescent, though.

Mr Waters: My age is showing, eh?

Ms Jenkins: St Mary's still does have foot patrols, and that is an effective way to create a personal relationship with the adolescents in the town. But most of our vandalism doesn't occur on Main Street; it occurs in the back streets in the residential sections where there are no foot patrols.

Mr Waters: We have the house party problem where they just take a house apart.

The Chair: Thank you very much, Ms Jenkins, for appearing here today. We appreciate it. That concludes the questioning.

All we require at this point is a motion to concur in the intended appointments.

Mr Marchese: I move concurrence, Mr Chair.

The Chair: Moved by Mr Marchese. All in favour?
Motion agreed to.

The Chair: The meeting is adjourned.
The committee adjourned at 1214.

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Standing committee on government agencies

Agency review



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Deuxième session, 35^e législature

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Mercredi 10 juin 1992

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 10 June 1992

The committee met at 1007 in room 228.

AGENCY REVIEW

Consideration of the operations of certain agencies, boards and commissions.

The Vice-Chair (Mr Allan McLean): I see a quorum; let's start the meeting. We will ask our researcher to bring us up to date on some of the boards we are going to be dealing with.

Mr David Pond: What you should have in front of you is quite a large number of documents; I'll admit that right off the top.

Mr Jim Wiseman (Durham West): We were really happy to see this. I had nothing to read.

Mr Pond: It's indicative of the heavy workload of this committee, which incidentally is the heaviest workload of any committee of the Legislature, I think. The only new one is a short one called Progress Report on the Committee's Reviews of Agencies, Boards and Commissions, which I'll probably do last. That's the only new one you got this morning as you came in here.

If you like, why don't we go through the draft reports on separate agencies? It's probably the simplest thing to start with. To do the easiest one first: the draft final report on TVOntario. If you recall, the committee quite a while ago actually did approve recommendations, but you've never seen the complete, final, formal draft report. That's what this is. There's nothing new in it. It's just been formatted nicely and so on and so forth.

The Vice-Chair: Are there any questions on that report? It's in that package.

Mr John C. Cleary (Cornwall): How many openings are there on that board?

Mr Pond: Openings or positions?

Mr Cleary: I mean openings up for appointment.

Mr Pond: There's one vacancy, according to TVO, right now. There's one open spot, so to speak, but it doesn't preclude the board from meeting and conducting business. According to my information from the Ontario Educational Communications Authority, there's one position it would see the cabinet filling some time in the future.

Mr Wiseman: Normand Forest should be coming up at the end of this month.

Mr Pond: Quite a few of them are, actually.

Mr Wiseman: And David Galloway should be coming up vacant at the end of this month, and Rhéal Leroux.

Mr Cleary: I wanted to know about how many openings there were right now.

Mr Pond: I should add, though, that as you know, for a lot of these agencies their exact size is flexible. Their statute will simply say that the executive council can appoint up

to a certain number, so it's really a flexible arrangement. According to the information they gave me over the phone, from their point of view there's one vacancy. But that doesn't necessarily mean the cabinet's going to fill it; it's just that they would be prepared to take on one more body.

Other than that, in this report on TVO the recommendations start on page 10 and it's all material you've seen before two or three times now.

Ms Jenny Carter (Peterborough): Do you know what will likely happen to the vice-chair when her term comes up?

Mr Pond: What will happen to her?

Ms Carter: Will she be in the running for being chair one day or could she have a new term?

Mr Pond: I don't have the slightest idea.

Ms Carter: She just happens to be a very prominent constituent of mine. That's why I'm interested in it.

The Vice-Chair: It would be up to the government. They'll probably appoint a chair when—

Mr Wiseman: The Chair is in till 1995.

Mr Pond: Yes, Mr Herrndorf is there for a while now.

Mr Wiseman: But there are four spaces coming open at the end of this month.

Mr Pond: They're going to have a turnover there. There's no doubt about that.

Mr Wiseman: Or reappointments. Since there are that many, do we know what the criteria and the process for the appointments to the board are? Do they do their own selection and then send their candidates, or can that be applied for through the agencies, boards and commissions book?

Mr Pond: Absolutely. They're all listed in here.

Mr Bernard Grandmaitre (Ottawa East): It's a little different now, Jim, with the new process, but in the past I can recall that people were asked to provide the Cabinet Office with a CV. That's the way they were appointed.

Mr Wiseman: The Ontario Trillium Foundation creates its own appointment and then sends it to the government for ratification.

Mr Pond: Do they really?

Mr Wiseman: That's why I called Trillium. I have some difficulty with the government giving money to bodies and then the bodies creating their own board of directors and sending it here just to be ratified. My view on that is that if the government is giving them the money, then they should go through a selection process, actually put people in place in relation to the amount of money being spent. That's one of the difficulties I have with the conservation authorities as well. I think we get maybe two or three appointments to a 12-person panel, but the province puts up something like 80% of the money. I just wonder

whether at some point we should talk about this philosophically, whether we think that's an appropriate way to do it.

Mr Robert Frankford (Scarborough East): If I could speak to that, I have a similar concern. There's one specific instance relating to Scarborough. The Scarborough board of health has two provincial appointees. I've noticed in the minutes of the board that the members have had discussion or solicited input about who they should nominate for these provincial positions. I find that—

Mr Wiseman: Bizarre.

Mr Frankford: Well, strange in some ways. Also, it seems to be contrary to the idea that anyone can apply and that one can encourage a broader range of people to get involved.

Mr Grandmaître: Mr Chair, maybe I can shed a little light. I'm not trying to be partisan, but we're witnessing this every time we meet. "How did you find out about this opening?" "I received a phone call from the ministry." "I received a phone call from Joe Blow who is well connected with the ministry." We're seeing it every Wednesday, so don't be surprised.

Mr Wiseman: We have seen a lot more people who said they applied for the job. I think one or two from last week said they had seen ads in the paper and applied for it.

Mr Grandmaître: That's one out of a thousand.

Mr Frankford: I don't think we have any figures on that, Mr Grandmaître, with respect. We might well want to get into some consistency, whether things should be routinely advertised and where they should be advertised. Take the Scarborough board of health. I've told people about it, and I believe there have been applications, but the board still seems to act as though it should be the prime body that recommends people.

Mr Wiseman: I think we're facing two situations. One is that, where the province appoints people to the housing authorities, to the district health councils and to the boards of health and so on, where they have authority to do that, there seems to be more advertising now than in the past.

Mr Grandmaître: More openness.

Mr Wiseman: It's more open. What I want to discuss, perhaps at some future time, is that if the province is putting up 80% of the funds and has only 10% of the people on the board, is this a good thing, is it a bad thing? Is there something we should be looking at? Who is accountable to whom and how do we approach that?

The Vice-Chair: We have this report in front of us. There are some recommendations within it, two or three or four. Let's deal with those recommendations and find out if they're acceptable. If they are, we will pass the report on. If not, we will change them.

On page 11 there are, I believe—

Mr Pond: Yes. The recommendations with regard to making TVOntario subject to the freedom of information act, which we discussed a couple of times earlier this year and late last year.

The Vice-Chair: Is that agreeable to everyone?

Mr Wiseman: That was unanimous.

The Vice-Chair: Okay. Next recommendation.

Mr Pond: The formal recommendation is on page 13, recommending that Management Board look at whether TVO should be subject to Management Board of Cabinet directive 1, which puts restrictions on how ministries—currently just ministries—can move money around within lines in their budget without getting approval from somebody higher up in the system. The idea on the committee's part was that Management Board should consider whether TVO should be subject to the same directive.

Mr Wiseman: I think this one flowed out of the discussion around the increase in the amount of money being spent on administration and that it was being directly taken out of programming. The question arose about whether that much administration was necessary and how it reflected on programming.

The Vice-Chair: Two paragraphs previous to that recommendation explains pretty much what it is. Are there any changes required to that, or is that acceptable as it's worded? That's acceptable?

Mr Wiseman: Fine.

The Vice-Chair: Okay. That pretty well concludes that report. We'll leave it up to the opposition whether they want to provide a report of dissatisfaction with anything within it.

Mr Grandmaître: No, we can live with the recommendations.

The Vice-Chair: Maybe Runciman does.

Mr Grandmaître: Oh, I'm sorry. You were talking about the other opposition.

The Vice-Chair: Next one.

Mr Pond: I have in front of me the Ontario Municipal Board. If you like, we can do that one.

The Vice-Chair: Okay.

Mr Pond: You haven't seen this before. This is the first draft of a draft report, so to speak. As is usual, the first 12 pages are simply the narrative on how the OMB works, based on the briefing paper I prepared for you last year when we had the OMB in front of the committee. The recommendations start on page 13. Again, this derives from the discussions the committee has had from time to time about the OMB.

The first item addressed was the backlog problem. We all know the OMB has had, and does have, a serious backlog problem. The prose on page 13 and the top of page 14 simply outlines what Mr Kruger said, what some of the other witnesses said about the backlog problem and so on, and some of the initiatives the OMB and the ministry are introducing to deal with the backlog problem.

The recommendation in the middle of page 14—which should be in bold, but it isn't, unfortunately—I hope sums up the committee's feeling the last time the committee looked at this, namely (1) that the Attorney General should consider removing assessment and minor variance appeals from the jurisdiction of the OMB and (2) the responsibility for approving municipal debentures should be taken away

from the OMB and assigned to the Ministry of Municipal Affairs.

Mr Frankford: The situation has changed, has it not, since the agency is under the Ministry of Municipal Affairs?

Mr Pond: Pardon me?

Mr Frankford: The board is now under the ministry.

Mr Pond: Is it? Have they moved it?

Mr Frankford: Yes.

Mr Pond: Okay, then I'll have to rewrite this.

Mr Wiseman: I thought we had heard from the Preservation of Agricultural Lands Society that it was really quite adamant—

Mr Pond: Yes, you're right.

Mr Wiseman: —that the board should be much more conversant with the Ontario Food Land Guidelines and that it should take that into consideration when making its decisions. I would like to put that in as a recommendation.

1020

Mr Pond: Just to jump ahead a bit, I don't directly have that in, but on page 17 under the heading, "The Conduct of Hearings," in the first paragraph it says, in regard to the way different members of the OMB conducted hearings, that a lot of the witnesses, including PALS, found some OMB members were more courteous, more sympathetic, more conversant with ministry policy such as the Food Land Guidelines than other members were. Beneath that I have Mr Kruger's response and on top of page 18 we have the draft recommendation. It doesn't say anything specifically about the Food Land Guidelines.

Mr Wiseman: I'll throw out these recommendations. One of the recommendations I would like to see is that the OMB be trained in the application of the Ontario Food Land Guidelines. I've got a number of them. Another recommendation is that the makeup of the board begin to reflect the need for ecosystems planning approaches, as we're beginning to see more and more come forward with Crombie and Sewell, and that the Ministry of Municipal Affairs be directed to amend section 3 of the Planning Act to make the zonings within the official plans much stronger.

What I mean is that if you have something zoned O for open space or green space, it should be carved in stone. That should be more difficult to change than just going to the Ontario Municipal Board. There should be a procedure or some kind of system whereby you almost have to do a whole new official plan to change the zoning. I can give you a lot of examples in my own riding where they changed the official plan from high density to low density here but right next door they left high density, and then it makes the whole community look unplanned and organized.

Mr Pond: I know what you mean.

Mr Wiseman: So I would like to see some recommendation that Municipal Affairs change section 3 so that the Ontario Municipal Board will have more power to say: "That doesn't conform with the official plan. You'll have to go back and do your official plan over again."

Mr Frankford: Somewhat going on from this, for a start I think I am correct that the responsible ministry now

is the Ministry of Municipal Affairs. I think this makes quite a difference to the report we have here in any case, but I think this is also quite an opportunity for revisiting this document, because I'm sure things are going to be changing.

As Jim said, we've got the Crombie commission and the Sewell commission. I think that particularly the Sewell commission is going to take a very new approach that is going to get away from the traditional planning approaches of zoning and take more of an urban planning and an ecosystem approach.

Since we've got this draft and we haven't finished, I wonder whether we shouldn't continue with the OMB and perhaps get people from the Ministry of Municipal Affairs and the Sewell commission to come to this committee and share their thoughts about what they think they will be doing around planning in the future.

Mr Grandmaitre: I think now that the Minister of Municipal Affairs has made the announcement that the OMB will be under his wing or wings, I haven't seen any kind of report from the Ministry of Municipal Affairs saying, "Now we've taken over the responsibility of the OMB, here are a number of changes that will take place." The only thing the minister told us is that "from now on the OMB will be under my responsibility, period."

The process you were referring to, Jim, section 3 of the Planning Act, is part of the existing mechanism. It's the responsibility of the Minister of Municipal Affairs, before anything goes to the OMB, to consult every ministry that's involved in the changing of zoning or whatever. That's the job of the Minister of Municipal Affairs.

This is why I'm doubly concerned. The Minister of Municipal Affairs had those responsibilities beforehand, but now that the ministry's responsible for the total actions of the OMB, I think the minister or the deputy minister should come before this committee and tell us exactly what the future of the OMB is.

The minister has told me the OMB will definitely be changing in the future, and I'd like to know from the minister, or somebody from his ministry, what those changes will be.

Mr Wiseman: Could I help out here a little? I think maybe what we ought to do is table this for the time being and open the hearings on the Ontario Municipal Board again and request the presence of the minister to make deputations to this committee, and perhaps bring in some other groups such as Sewell, maybe Crombie. I'm just throwing these out as suggestions. If you don't like them, that's fine, but I'm trying to be accommodating at the same time.

Mr Grandmaitre: No, that's good, but I think it should be the minister, Mr Chair, or the deputy minister.

Mr Wiseman: I'm saying as well as the minister; not instead of, as well as.

Mr Grandmaitre: Well, the minister is still the boss and I think we should be talking to the boss and not John Sewell.

Mr Wiseman: I don't have any problems with asking the minister to come in. I'm also trying to be accommodating and suggest that other people should perhaps come in and make comments as well.

Mr Grandmaitre: Yes.

Mr Allan K. McLean (Simcoe East): I agree with that, Mr Chair. Let's put this aside and if that's what they want to do, I agree with that.

The Chair (Robert W. Runciman): Mr Waters, do you want to say something?

Mr Daniel Waters (Muskoka-Georgian Bay): I agree that we should not only have the minister in, but I know that I just went through some municipal hearings in my riding last weekend and I think it would be interesting also to have John Sewell in. I think we should get a well-rounded view of exactly where this thing is going. If the minister has some intentions and they're hooked directly to Mr Sewell, Mr Sewell could also give us some ideas as to what his report is going to be, some advance ideas, and I think they should both be asked to appear before us.

The Chair: Why don't we throw this back in the lap of the subcommittee to arrange an appropriate time for this and also an appropriate schedule of witnesses.

Mr Wiseman: Okay.

Ms Carter: I'd certainly go along with that. Do we have any idea, if we get an environmental bill of rights, which I believe is on the books, would that have an impact on the OMB?

Mr Wiseman: I would have to think so.

Ms Carter: You see, we got rid of the Sunday shopping thing. They're not going to be burdened with that.

The Chair: Have you checked with Peter Kormos lately?

Ms Carter: To me that's the one good thing that comes out of it.

Mr Pond: I hadn't thought of it. I—

Ms Carter: Pardon?

Mr Pond: You're right, I hadn't thought of that.

Ms Carter: Because that could have been a very large burden that piled up.

Mr Pond: Yes, because when Mr Kruger was here last time he did say Sunday shopping at that time would—

Ms Carter: I wonder if anybody's looked back at what the impact will be on the load and, conversely, what an environmental bill of rights would do.

1030

Mr Wiseman: I think we've pretty much agreed on that one. It's nice to be working as a team here today.

The Chair: What's the next one?

Mr Pond: We have two more draft reports, one on the Liquor Licence Board of Ontario and the other one on the community advisory board of Brockville Psychiatric Hospital.

The older agency in terms of our reviews is the LLBO. Again, this is the first draft I've done, if you like. The recommendations start on page 10.

The first matter listed here is with regard to appointments to the board. When Ms Karakatsanis was before the committee—she's the chair of the board—members indicated that all the members of the board, present members

and historically, were lawyers and that there's some feeling that perhaps the board and the government should be making more of an effort to attract a wider diversity of individuals with different backgrounds and so on.

She said that would be a good idea but she had no control over that. Since then, as you know, two new members have been appointed to the LLBO. One is a lawyer, one isn't. The woman who is not a lawyer is a chemist, as well as being active in community groups, multilingual etc. She appeared before the committee last November. I note that.

At the top of page 11, the draft recommendation is, "The government should strive to ensure that appointees to the liquor licence board"—actually that doesn't say LLBO, it just says LLB; I'll have to fix that—"reflect a diversity of personal and professional backgrounds."

Interjection.

Mr Pond: Yes. I believe actually the appointee to the committee review did have some health experience or background; I can't recall exactly what. Hearing no comments, should I move on?

The Chair: I'm just wondering, do members have any comments, changes, recommendations they want to make?

Mr Pond: The next matter came up on a number of occasions. As we know, in Ontario the LCBO and the LLBO are separate entities. Some of the other provinces have combined the two functions. The witnesses, when they were here, were asked about whether that should be done here, and they said if it was up to them—and it's not up to them, as they'd be the first to point out—they would prefer to keep the two functions separate, for a number of reasons, I guess, primarily the business of an appearance of a conflict of interest.

I have a paragraph in here in the middle of page 11, however: While "the committee appreciates Ms Karakatsanis's position on this issue," it's "not aware of any allegations or actual cases of conflict of interest arising in the provinces where one board is responsible for both licensing and sales."

That's as a result of my research at your direction. So the recommendation on page 11 is, "The government should study the possibility of combining the liquor licensing board and the liquor control board as a cost-saving and efficiency measure."

The Chair: No comments on that?

Mr Pond: The next issue was the whole issue of advertising. As everybody knows, the current government has plans afoot to tighten up the rules regarding liquor advertising to eliminate sexism. According to the current minister, we're likely to see new regulations before the close of the year. That's my information, and if you recall, the committee thought that was a good idea, that this should be proceeded with.

The board indicated that it would be the cabinet and not the board which would be responsible for developing a new policy on that issue. The recommendation is as follows—what the minister's already announced—at the top of page 12: "The government should strive to develop new rules and standards which would eliminate sexism in liquor advertising."

Ms Carter: Can you tell me whether eliminating sexism gets rid of those lifestyle ads where everything is wonderful because you've got your beer, whether that's an issue or not?

The Chair: I want to go on the record as disassociating myself from this recommendation. I'm not going to put in a dissenting opinion on it; I simply want to be on the record that I don't endorse all this politically correct baloney and I simply am not supportive of that kind of recommendation. I want that to be on the record.

Mr Pond: Would you like me to put in something about lifestyle advertising as well, because I suspect that's a larger issue than just—

Ms Carter: It's pretty insidious, I think.

The Chair: Should we describe it as "insidious lifestyle advertising"?

Ms Carter: Yes, the idea that you can't enjoy yourself without a beer.

Mr Pond: I'll make that a separate recommendation.

The Chair: So we understand what that recommendation is now? Perhaps David could read it in its redrafted form.

Mr Pond: I haven't redrafted it yet.

The Chair: All right. Mrs Carter, I gather supported by a majority of the committee, wants some reference to lifestyle advertising, concerns about lifestyle advertising. Okay?

Mr Pond: Okay. I'll move on. The rest of the recommendations speak to the comments and recommendations made by the client groups that appeared.

If you recall, John Bates of PRIDE, People to Reduce Impaired Driving Everywhere, made a number of recommendations. The committee agreed with some and didn't agree with others, I guess it's fair to say. So I have a paragraph here outlining what he said; which the committee agreed with and doesn't agree with.

For example, it doesn't agree that all liquor advertising should be banned, for example, "but it does accept that drunk driving is a serious social problem and liquor advertising should not encourage young people to associate drinking and driving." That was the gist of Mr Bates's message on this point. So the recommendation at the bottom of page 12 in bold is, "The government should consider introducing stringent guidelines for liquor advertising which would regulate the promotion of liquor in connection with automobiles and driving."

Mr Wiseman: I think lately I've been seeing commercials on TV that are actually promoting that.

Mr Pond: Yes, the industry is getting more sensitive to the issue. I can put in a line about that if you like.

Mr Wiseman: I think it would be appropriate to acknowledge that they are moving in this direction and that this committee applauds that and encourages that this public safety advertising continues as part of the advertising content. I don't know how anybody else feels, but I believe that when people do things right you applaud them and give them encouragement to continue.

Mr Pond: I can put that right next to the recommendation, if you like.

Mr Waters: I have a problem with why we're picking on the Molson Indy.

Mr Wiseman: I'll explain that, because it was me who picked on them. Prior to the cabinet change of the rules, it was ruled in Ontario that liquor advertising or beer advertising could not be directly related to an automobile event. What happened was that in order for the Indy to come here, or one of the stipulations for the Indy to come here, that was changed by cabinet.

Mr Waters: We needed money. Molson's is a company that has money it can afford to put into it.

Mr Wiseman: But within the context—and this is what PRIDE has been saying for a long time—of the message you're sending, they're really quite perturbed by the fact that cabinet would waive this in order to change it for the Indy. They have some real serious difficulties with it. It really goes counter to the rule that was there prior to that, that is, that liquor should not be associated with cars in any way.

1040

Mr Waters: So if PRIDE had its way, there wouldn't be an Indy race here in Toronto.

Mr Wiseman: There'd be an Indy race, but it wouldn't be the Molson Indy.

Mr Waters: Well, no one else can afford it. That's where I have my problem. Indeed they can promote responsible drinking, but at the same time they do have the profits and the ability to bring things to Ontario that no one else seems to be willing to do. Other companies have the profits, but they are not willing to invest those into bringing events into the province. If Molson's wishes to do that, I really don't see why they should be named and punished.

Mr Wiseman: I think this engages in the debate now on to what extent you go in terms of allowing commercialism if the results have negative and unhealthy or unacceptable consequences. I think that's the debate here.

Mr Waters: I wouldn't say the Indy necessarily does that. That's why I have a problem.

Mr Wiseman: It's part of the lifestyle commercials. I think this is not the place for this debate unless we really want to enjoin it here, but I would argue that if we're going to put warnings on cigarette packages, maybe we should also think about, what are the other messages that are being sent to young people?

I guess I'm a little personal about this, given that as a teacher I buried a number of students who died because of the consequences of alcohol and driving. For me, it's a personal issue.

The Chair: We have a division of opinion on this. Perhaps we can have a motion and resolve it through a vote.

Mr Waters: I would actually like to see that we take out citing one particular. There are so many things on lifestyle advertising. I just find it difficult that we'd pick on one particular event with one particular sponsor and we don't say anything about all the other things, the lifestyle advertising by this sponsor's competitors. If you think the Indy is bad, then they're equally as bad. Every year we have a number of people who die or are maimed in our lakes in central Ontario. I would like to see the reference to

the Molson Indy struck out of it. As you have had students, we have a number of our summer residents we end up trucking away to hospital from lifestyle advertising, and I don't see you citing that.

Mr Wiseman: I would have no problem with including what you're saying in the report and to expand the recommendation, because clearly I would agree with what you have to say.

Ms Carter: Boating is driving, right?

Mr Wiseman: This one says automobiles and driving, but we might be able to find some compromise wording.

Mr Waters: No problem with that. "The example he cited was the Molson Indy." I just don't know whether I want that in the report.

The Chair: So you're just suggesting that that one sentence be removed.

Mr Waters: That's right.

Mr Wiseman: I don't think that does what you want.

The Chair: As long as it makes Mr Waters happy.

Mr Waters: Can I take you up on that in the House today?

Mr Wiseman: I would like to change the recommendation in light of what you said and include, "The government should consider introducing stringent guidelines for liquor advertising which would regulate the promotion of liquor in connection with automobiles and driving and water sports events and the use of boats."

Mr Waters: Where do you stop? When you start doing that, then the next one is downhill skiing and snowmobiling and cycling.

Ms Carter: The head injuries people will tell you. People dive into a place where there's shallow water and rocks and so on because they're not in their right minds.

Mr Waters: I would just ask that "The example he cited was the Molson Indy" be struck out, and leave the rest the same.

The Chair: Let's have a motion. Mr Waters, do you want to move that?

Mr Waters: Yes.

The Chair: Mr Waters moves that the reference to Molson Indy be removed from the report. Discussion? All in favour of Mr Waters's motion? Opposed? It looks like a tie vote to me. I think some people abstained.

Mr Wiseman: Al abstained.

The Chair: We'll try that again. Mr Waters's motion is to remove the reference to Molson Indy in the report. All in favour of Mr Waters's motion? Mr Waters, Mr McLean. Opposed? Do I get a vote? It's all right if I cast a vote? I'm voting for Mr Waters.

Mr Waters: Thank you.

Mr Frankford: If I may, I'll make the suggestion that we change it in connection to hazardous activities such as driving, water sports, skydiving.

Mr Wiseman: I wonder if we could word it "where liquor and impairment leads to the diminished responses that can result in injuries"—that takes into account snowmobiles,

Ski-Dooing, Sea-Dooing, boating and driving—and maybe list some of the examples.

The Chair: I don't know. Do we have agreement on that? No? We don't have agreement on that. We'll have to have a motion.

Mr Wiseman: I move that we amend the recommendation to include a line that indicates that advertising and the promotion of liquor, where the consumption of alcohol leads to diminished response times and diminished physical abilities that can result in injury and death, be regulated. Does that do it? Did that work?

Mr Pond: Then list examples?

Mr Wiseman: And then list examples.

The Chair: Any discussion on that motion?

Ms Carter: Maybe it's unfair to have the Molson Indy by itself. We should put other things with it.

Mr Wiseman: The Molson Indy's gone. We lost that one.

The Chair: All in favour of the motion? Opposed? Carried.

Mr Pond: The next business: As you recall, Mr Bates argued there should be mandatory labelling for all liquor products. The labels would have a statement about the dangers of drinking and list the ingredients of the product. I may be wrong about this, but I think he drew a parallel with cigarette packaging. I don't smoke; I don't know. The committee agreed with that, and the recommendation is on the top of page 13:

"The government should introduce legislation which would provide for the mandatory labelling of all liquor products. This legislation should require that such labels include a warning about the dangers of drinking and list the product's ingredients."

Mr Frankford: There is some advertising about pregnancy going on right now, I believe, in some jurisdictions. I'm not sure about the United States, but certainly in some parts of the United States there are warnings about alcohol and pregnancy, so I think this would fit in here. If one is going to go along with any warning labels, I think it would be entirely consistent to flag pregnancy. I'm not sure who's doing that. I think it might be federal, which presumably would have the well-known risk of federal campaigns that they're there for a while and then they go on to something else.

1050

Mr Pond: I'll check who does it.

Mr Wiseman: Are we all happy with that?

The Chair: Any comments?

Mr Pond: The last item deals with campus pubs. You'll recall we had testimony from representatives of Bacchus Canada, which I gather represents campus pubs. They had a number of complaints about the administration of the Liquor Licence Act as it affected them. If memory serves me correctly, the one the committee noted as the most significant is described in this paragraph in the middle of the page, that the board's inspectors are allegedly not interpreting the regulations consistently from pub to pub, so to speak.

I hope the following language reflects what the committee decided, namely: "The committee feels it is not qualified to either endorse or reject Bacchus Canada's recommendations. However, the committee does feel that the witnesses' testimony raises issues which should be addressed."

So the recommendation is:

"The committee therefore recommends that:

"The Liquor Licence Board should investigate complaints raised by Bacchus Canada and campus pub managers regarding the board's administration of the Liquor Licence Act."

The Chair: All in agreement? Okay. The next one is the psychiatric hospital.

Mr Wiseman: Before we go on, did we do anything on the Liquor Control Board?

Mr Pond: We haven't reviewed it as an agency, no.

Mr Wiseman: I would like, at some time in the near future, to put that on the list to review.

The Chair: We'll see if we get a time allocation from the House leaders for the summer.

Mr Wiseman: We'll be here all summer; don't worry.

The Chair: You may be. You need the votes; we don't.

The next one is the Community Advisory Board of the Brockville Psychiatric Hospital.

Mr Pond: Yes. Once again, this is a first draft you're seeing. The board appeared before the committee in late January. The recommendations begin on page 10. The first item and probably the most important: If you recall, the committee had some concerns about the exact role of this board, to whom it is accountable, to whom it reports, the work it was doing or allegedly not doing, its status, both with relation to the hospital and to the ministry. I go on at length about that, all of page 10 and the top of page 11.

The resulting recommendation is at the middle of page 11, namely, "The Ministry of Health should include in its ongoing review of the Public Hospitals Act a complete examination of the role, mandate and accountability of community advisory boards."

The Chair: Any comments on that particular recommendation? Next step.

Mr Pond: A lot of the members pointed out to the board that their jurisdiction overlapped with that of three district health councils, all of which were engaging to one degree or another in mental health planning—that's part of the DHCs' mandate—and the feeling was that, given the fact that the board has no research capability, the DHCs were probably the people in that area who had the expertise to do mental health care planning and assessment of needs. The committee also noted that there already were cross-appointments or cross-exchanges between board members and DHC membership. The idea was that DHC volunteers or representatives should be sitting on the board so as to provide the board with that kind of expertise and analysis that it can't generate on its own.

The recommendation, in the middle of page 12, is, "The community advisory board should consider inviting representatives from the three local district health councils to sit on a committee of the board."

Mr Wiseman: I wasn't here for this; I'll say that up front. How many people are on the board now?

The Chair: Very few. There is a list here, but there have been significant changes since we met. I think close to half or better than half the board resigned.

Mr Pond: I'll have to check that. That's from page 2.

The Chair: The vice-chair issued a press release and a letter to the Minister of Health indicating that the community did not support the budget submitted by the hospital. It turned out that he had not consulted other members of the board, let alone the community, before taking that position, so quite a significant number of the members resigned as a result of this letter and then he ultimately resigned as well because of the public criticism.

Mr Wiseman: The reason I asked the question is that if you go through the recommendations on pages 12 and 13, you're looking at, in my estimation—three; if you have two from former residents, that's five; and maybe a couple more doctors—maybe seven or eight people. I was just concerned that in this group you'd be able to accommodate that mix. I'm not saying there's anything wrong with the mix, I'm just wondering how in fact you make it work. I think the recommendations are good, but I'm just wondering how you make it work.

Mr Frankford: I'm just wondering more broadly about the boards of psychiatric hospitals. I think we have a similar situation with the Whitby Psychiatric Hospital. Jim and I and several other members had a meeting with them a few weeks ago and there are very many similarities, I would say. One of them is the fact that the hospital covers the catchment area of several DHCs, and I'm sure the other questions about former residents and physician input are definitely there. I'm just wondering whether we should be making some recommendation that is more generic, besides the case of Brockville alone.

Mr Wiseman: Maybe you could help us out here. Does the Brockville Psychiatric Hospital have a community advisory board?

The Chair: Yes.

Mr Wiseman: That's what this is supposed to be? Sorry, I'm just trying to catch up here.

The Chair: I think we could make a comment in reference to community advisory boards province-wide, but this review was specifically for the Brockville advisory board, although I'm sure most of the recommendations would have an application to all other boards.

Mr McLean: Runciman went to Thunder Bay last weekend for a bit of a party.

Mr Wiseman: I heard something about that.

The Chair: Certainly the first recommendation is looking at the bigger picture.

Mr Frankford: If I can pick up on that comment about whatever the reward of Thunder Bay was, I think this brings in the question about remuneration on boards and the question of who you're going to attract on boards if you don't provide remuneration.

The Chair: There is no remuneration.

Ms Carter: I'm remembering the times when we've had people down and grilled them and then said, "These people are doing this for love and they're getting nothing out of it."

1100

Mr Wiseman: That's always the difficulty with volunteers. They give so much and sometimes what they get back is a lot of abuse and criticism, and I'm not sure that in a lot of cases it's fair or warranted. They do the best they can. This is a conundrum: How do you make sure that people who volunteer have some of the skills that are necessary to make the carrying out of their functions work? Should there be something from the Ministry of Health in here about helping them?

The Chair: I think there is, the recommendation for bringing people who are involved with the various DHCs and someone who—I assume a psychiatrist; if you're going to talk about recruiting physicians, I assume you mean a psychiatrist.

Mr Frankford: Not necessarily.

The Chair: Not necessarily, but certainly—we're talking about mental health. Although we're not being specific—you're right—we're trying to, through these recommendations, provide that sort of assistance to the board and boards in the future so that they don't have to rely solely on the staff and the administration of the hospital for views and opinions.

One thing we didn't make reference to here is whether we want any representation from employee groups on this board, with general application across the province.

Mr Wiseman: They have it at Whitby.

The Chair: They don't have voting power, though, I don't believe. They're there as observers.

Interjection.

The Chair: If you talk to OPSEU representatives you'll get a different opinion on that. They very strongly would like to be full participating members. Whether we want to recommend that or not, I don't know.

Mr Wiseman: The recommendation could be that they be full voting members on issues that do not relate to salary negotiations. For example, I know that on the Whitby board they're involved with the planning of the new hospital, they're involved with the discussions that relate to care and administration, but not the negotiations around voting on salaries and stuff. Could we put in a recommendation? Would that be a helpful way to go?

Mr Frankford: I think you can make a good argument that they are extremely involved in day-to-day running and the long-term plans for institutions, and if they don't have a strong voice there, one runs the risk of misplanning.

Mr Wiseman: It seems to me that what's happening in North American business is that there's more and more horizontal integration and more inclusion of workers in the decision-making process about how institutions and businesses should function. It makes it more profitable and you get more bang for the bucks. So it would seem reasonable that the people who are on the ground would know where

to put the emphasis and where not to put the emphasis—maybe in the allocation of funds and resources. I would concur that maybe another recommendation should be to include workers.

Mr Frankford: I think this gets back to discussions about the Public Hospitals Act, because I think some decisions will have to be made very broadly on that.

Mr Gilles Bisson (Cochrane South): Can I ask a question of the researcher? How many of these advisory boards are actually in place?

Mr Pond: All psychiatric hospitals are supposed to have them, and they probably formally do, so to speak. But the degree to which each one is active is—

Mr Bisson: —is a good question.

Mr Pond: Is a very good question, yes.

Mr Bisson: With regard to membership on the board decided within the board structure itself, are there appointments or is it strictly through election? I'm just trying to figure out the process here.

Mr Pond: All members including the chair are appointed by the Minister of Health. Then each board is supposed to draw up its own bylaws which reflect ministry policy and the memorandum of understanding the ministry has for the hospitals and for the boards. So there's a broad framework. For example, in regard to appointments, who and who's not allowed to be a member is determined by the ministry, but within that broad framework they have a lot of leeway. For example, they're supposed to go out and have a board which is as diverse and representative of the community as possible, but it's up to each board to decide how to do that.

Mr Bisson: I'm just looking at the overall membership of the board and where most of these people come from. There are obviously some good people here, but I'm looking for some consumers.

Ms Carter: Well, we've got an ex-patient. She came before this board not too long ago: Duclos.

Mr Bisson: Yes, you've got one; I saw that. But the question is that there are no criteria saying that on these community advisory boards there will be an equity format with regard to the appointments, that there shall be two people from the consumer groups—

Mr Pond: It's not mandatory to that degree.

Mr Bisson: There's nothing like that.

Mr Pond: No, not to that specific degree, no.

Mr Bisson: I didn't actually see any recommendation here. I was just wondering.

Mr Pond: The idea is that that's the intent.

Mr Bisson: Well, what's intended and what's done are always two different things.

The Chair: But you're dealing with, as we said earlier, volunteers. These people are not compensated for that financially and it's difficult to maintain—

Mr Bisson: It brings us back to what some of the other colleagues were talking about in regard to the whole idea of how these boards are set up and how we go and recruit them. Should we be remunerating them? What we

end up doing is attacking them. I've got a situation in my riding where they're attacking a bunch of board members because they got a ring for five years of service on the board and everybody's raking them over the coals. Why would I want to sit on a board if all I do, quite frankly, is get pissed on every now and then? It brings us back to the question.

The only thing I was asking is that there are no criteria saying we're going to make sure when we appoint these boards that there is some sort of format, that we make sure we have some people from the institution, the consumer groups—

Mr Pond: No, not that specific.

Mr Bisson: There's nothing like that. It's unfortunate.

Mr Pond: To be fair, there is this general intent that boards should abide by and so on, but—

Mr Bisson: It's not within the mandate of this committee to be able to recommend anything like that, obviously.

Ms Carter: I think the important one here is the last one we're just coming to, that they're in fact financially dependent on the hospital that they're criticizing.

Mr Bisson: But, just as a last part of my question, it is not the mandate of this committee to talk about the structure. We're just here basically to talk about what's being recommended here. I've never sat on this committee; that's why I was asking.

Mr Pond: The next two or three recommendations deal with the composition of the board.

Mr Bisson: I don't know if I'd want to do it in the form of a motion, but I'd be interested in hearing from other members, that when looking at how these boards are appointed or elected or whatever, there be some kind of criteria out there that say, "When we're going out to get board members, let's make sure we try to truly represent the community we serve."

I don't know how other members feel about that, but I know it's a problem in some communities in regard to the board, that you get a group of one profession or another that tends to dominate the board and sometimes the board is not in tune with the service that's being delivered. I'd just like to hear the views of other members. Am I off base here?

The Chair: I don't see anything wrong with a recommendation that we, for example, ask the minister to review the feasibility of compensating appointees to the boards and the impact it may have.

Mr Bisson: I'm looking for some direction from other members.

Mr Frankford: I think there is a risk with volunteer boards, particularly if you have too many ex officio people who would be in a position to do it because they're on staff somewhere else. I think you can turn it into a bureaucratic meeting or a meeting of various established interests, and this gets away from the idea of real public community representation.

Mr Bisson: Is the community really represented in a format like that? That's the question I'd ask.

Mr Wiseman: I think that may be what these recommendations are trying to get at.

Mr Bisson: I take it that nobody would support my position.

Mr Wiseman: If we wanted to spell it out in the way you're suggesting, I I would have no difficulty in supporting that.

Mr Bisson: I looked at the recommendations. Some of the things it's talking about are okay. It's just something that concerns me greatly when I deal with some boards. Sometimes you truly don't have the representation you need to be able to deal with the mandate of that institution. You end up with a group of either lawyers or teachers or workers or whatever, and you don't have a good cross-section of your community.

1110

Mr Wiseman: The second recommendation says that former residents of the psychiatric hospital should be recruited to the board—I think that's important—and some physicians; I think that's important for balance. On this board already, from the list earlier, there is a homemaker, a lawyer, a nurse, a teacher, a pharmacist—

Ms Carter: It sounds pretty good to me.

Mr Wiseman: It sounds like that was a pretty reflective board. I don't know who's left on that board after what happened.

Mr Bisson: I didn't see, for example, representation from somebody who actually works in that institution, unless I don't read the list right.

Mr Wiseman: I think we've already agreed that that would be one of the recommendations that we would add, that representation from the workers be on this board.

Mr Bisson: That's the problem coming in as a sub in these committees. You walk in in the middle and—

Mr Wiseman: You and I are in the same boat on this one.

Mr Bisson: Okay.

Mr Wiseman: Should we accept this, or is there any more discussion?

Mr Bisson: I would like to have a note that that's something to be looked at: establishing some sort of criteria that ensure that you try as much as possible to reflect the community you're serving on the board. The kinds of things I am talking about, for example, is if we have a former patient of the institution, it's fairly difficult if you're the only one. Sometimes you just sit on your own and are isolated. Maybe we should look at having at least two former patients, and possibly somebody who works at the institution—not at a management level, but somebody who is actually a service provider, maybe one or two of those. There are other things here that I thought were good—you have people from the educational field, lawyers, pharmacists; that sounds good—but those are the two key ones I was a little concerned about when looking at the list.

Ms Carter: I notice that the recommendation for physicians seems to be open-ended. I don't think we want an unlimited number of physicians, do we?

Mr Wiseman: Well, that recommendation is the same as the former residents. That's pretty open-ended too. I would hate to be too restrictive either, because in a volunteer way, you take—

Mr Bisson: You take what you can get sometimes.

Mr Wiseman: Sometimes that's the sad truth. Not enough people come forward to offer their time.

Mr Bisson: I guess putting it in the form of a motion is what I have to do and ask for the support of other people. When I talk about service providers within the institutions, I'd be talking about RNs or RNAs, people who are actually working with the patients on a daily basis, because sometimes they, more than anybody else, understand what some of the problems are.

Mr Cleary: Mr Chairman, I think I do know a little bit about that board. I've been involved with that facility for a number of years, and I think there's something else we've got to look at. We need to spread those appointments right from the Quebec border west as far as—you can't just do everything you want to do. In my opinion it's families who have used the facilities who have been interested. There are lots of good people out there who will volunteer their time, so we've got to be careful too. Some of the names here I'm very familiar with; I was involved with that. I guess we wanted to make sure, speaking for myself, that every area had representation.

Mr Wiseman: Do you have some recommendation you'd like to put forward?

Mr Cleary: The only thing I would be interested in is that we represent—you have the united counties here, and then as we come up along Ottawa and Brockville, that there be representation from each of those areas.

The Chair: If you read the preamble in this report, it says that under the bylaws of the board, membership "is intended to reflect the diverse nature of the communities which make up the catchment area." It seems to me that that covers essentially all of your concerns.

Mr Bisson: I don't mean to be a stickler, but I don't really believe that covers it, because often we have very good intentions in setting out the criteria by which we do things, but sometimes if you don't spell it out, you don't end up getting what you want in the end. I understand what the member for Cornwall was saying in regard to the composition; it's a huge geographical area and you want to make sure you have people representative, who live in the various parts that cover, by the looks of it, some three or maybe four ridings. I notice that Leeds-Grenville is represented by five people. I take it that's from five different communities within Leeds-Grenville?

Mr Cleary: In the past I was a member of county council, which covered a large area. This goes back a lot of years, but the 36 councillors had a bit of input there of a representative on there. That always went to them, as well as the city. We tried to get everyone involved and picking a good person to represent it, and I'm sure it's the same in the Brockville area and the Leeds-Grenville council and Prescott and Russell. I'm sure it's the same in them all.

The Chair: Mr Bisson, just to get this thing off the ground, because we're stalled here, do you want to make a specific motion?

Mr Bisson: That's what I was saying; I was making a specific motion. I don't know if we would ask them to take that into consideration when coming back to us—you can't change it now; this is what they've got in place now—that they look at trying to cover off some of the consumers who would be utilizing the service, at least to get two of them on the board so you're not feeling isolated. It would also be a good idea to have one or two people from within the institution who are actually service providers to the clientele, because they, at the end, those four people, know best what goes on within that institution from both perspectives. That was the motion, and that'll be the end of my discussion.

The Chair: Does anyone have any disagreement or difficulty with that? Okay.

Mr Pond: Okay. At the bottom of page 12 and the top of page 13: Physicians. I don't know if you want to change the wording. That was Dr Frankford's baby. He felt that physicians were the hands-on experts about the mental health care needs of the residents.

Ms Carter: I have a concern that we might be overloading this board with what you might call "involved professionals" rather than the general public.

Mr Pond: So no physicians.

Ms Carter: If it's big enough to accommodate everybody, fine, but I do have a worry.

The Chair: We have 15 members of the board, so I think there's lots of room.

Mr Pond: The next recommendation is along the same lines. There was a feeling, I guess, among the members that there wasn't a close enough relationship or an ongoing relationship between the mental health facilities branch of the ministry, the experts, the ones who actually develop policy, and the board. Also, the notion was that the board should be kept up to date about what was going on within the ministry.

So the idea was—I'll quote the recommendation: "The bylaws of the...board should be amended to provide for the appointment of a Ministry of Health official as an ex officio member of the board."

The Chair: I don't know how practical that is, to be quite honest. It might be more practical to recommend that the ministry officials meet quarterly with the board to discuss matters of mutual interest. I'm not sure about mental health branch staff in that part of the province. I really don't know what the numbers are or where they're housed. It may not be practical, that's all I'm thinking.

Mr Wiseman: Along the line you're saying, could it be that we recommend that Ministry of Health officials attend at least X number of meetings of the board, to participate?

Mr Cleary: Do they not do that now?

The Chair: I don't believe they do.

Mr Bisson: I would take it the intent of what they're doing there is to get some sort of consistency as to who's attending—not consistency, but the same person attending so that person is aware of what the board is doing. I take it that's why they did it this way, not to have a different ministry person come every two or three months to meet with the board and have to reinvent the wheel every time and remeet everybody.

Ms Carter: Maybe the answer would be to have a particular liaison person within the ministry who doesn't necessarily attend meetings but is the person they could contact.

Mr Bisson: Would that satisfy your concerns, Mr Chair? Just that it be the same person.

The Chair: I know there have been some frustrations on the part of that board in getting the information or responses from the ministry. What I was suggesting would be, as I said, that we request the Ministry of Health officials of the mental health branch to meet with the board at least twice a year to discuss matters of mutual interest.

1120

Mr Wiseman: I don't have any problem with that. Does anybody have any problem with that?

Mr Bisson: No. I take it that's not what they're trying to get at, as far as the recommendations are concerned, but you guys know the area.

Ms Carter: Who's "they"? This is us.

Mr Wiseman: These are our recommendations from this committee.

Mr Bisson: I'm sorry. I thought it came from the other end. I'm learning the process; give me a break.

Mr Wiseman: Is that okay?

The Chair: Okay.

Mr Pond: Okay, the last one. As you know, the board is not independent of the hospital formally. Everything is set up for them by the hospital: whatever refreshments they have, the meeting rooms—everything else is set up and arranged for them by the hospital. Their advice about how the hospital is run is provided by the hospital staff, so the last recommendation is, "The Ministry of Health should consider providing the board with its own budget and support staff independent of the hospital."

Mr Bisson: How big is the budget we're talking about?

Mr Pond: The last time I checked—I shouldn't say this off the top of my head—it was around \$20,000.

Mr Bisson: Which would mean to say that all of them would be treated the same way eventually.

Mr Wiseman: How many boards are there in—

Ms Carter: There are 10 psychiatric hospitals.

Mr Pond: Yes. There's one for each hospital.

I should add that this was a bit controversial among some of the members here. If you turn to page 9, the board finances at the top of page 9, its budget has gone up very considerably from 1989-90, which was \$4,000, to 1990-91, and then again 1991-92 when it was \$20,000. To be fair to the witnesses, their argument was that the board had become activist again in 1990-91. New people had come on board.

They had planned and executed a wider range of activities than in previous years and that was why they needed the extra funds.

Mr Bisson: When we're talking about support staff, it's got to be more than \$20,000.

Mr Pond: I should add—let me just finish this—they also told us that for future years the hospital had indicated that because of its own budget restrictions, they could not expect to get any more money from the hospital.

Mr Bisson: Is that a fire going on over there or what? A puff of black smoke for the past five minutes. Sorry. I have a way of getting people's attention off the issue.

Mr Pond: It's the University of Toronto. You have nothing to worry about.

Mr Bisson: I thought it might be people burning their Toronto Star or something.

Ms Carter: Do we know anything about what "using the hospital staff" implies? I mean, how much time it takes up, whether extra people are on that staff because of these responsibilities or whatever?

Mr Pond: No. Just that the director and the chief of psychiatry attend the meetings.

Mr Frankford: It seems to me that the support staff could be anything from just somebody who distributes the minutes and calls people up for the next meeting to someone who is there full-time and does all sorts of research and planning.

Mr Bisson: What are they asking for as a budget? They're asking for \$20,000, you say?

Mr Pond: Yes, but they told us, because they've been told this by the hospital, that in future years it would be difficult to maintain this level of expenditure. It would be very difficult for the hospital to guarantee to the board that they could maintain this level of expenditure.

Mr Bisson: So they can be in a jeopardy situation for years.

Mr Pond: I think that's quite possible.

Mr Bisson: Okay. I guess I'll be fiscally conservative in the sense that if you open up a budget on a yearly basis, you know that every year it'll be back for more and more.

Mr Wiseman: Budgets have a tendency to become black holes.

Mr Bisson: But I understand their problem. If the hospital is saying, "We've got less money in our operating budget. We can't give you money for travel and different things; we're going to cut you back," then the board quite possibly can't operate to a certain extent. You're sort of in a catch-22.

Ms Carter: What mandate does the hospital have to supply funds for this board? Can they hold this over the head of the board if they don't like what it's doing or not?

Mr Pond: They're required to finance the board, but they're not required to give the board everything the board asks for, that's for sure.

Mr Bisson: So if they got the \$20,000 per year now, it would go towards the travel for various conferences, refreshments, buying letterhead and stamps.

Mr Pond: I think the witnesses argued that a large part of the increase went towards reaching out to the community. Mr Runciman said the membership has changed, but the membership in 1991 was very active in outreach meetings, going around the catchment area, holding public meetings. They held a couple of events at the hospital for members of the public. They were planning more of those types of events.

Mr Bisson: Which costs a bit of money.

Mr Pond: Yes. I think that is what the thrust was for this particular board: community outreach, listening to the community, that sort of thing.

Mr Wiseman: Who makes up the shortfall? The budget in 1989-90 was \$4,000 and they spent \$12,000. In 1990-91 they actually came in under budget, and then in 1991-92 they are projecting to spend almost \$4,000 more than their budget allows.

Mr Pond: As I say in the paragraph beneath that table, if you read between the lines—I can read it out loud if you like, but I think you can read between the lines.

Mr Bisson: So this money, you're saying, would go towards outreach. It wouldn't actually be for support services. This is not for support services, this budget they're asking for?

Mr Pond: It is for everything, but I think their argument is that the increase is primarily due to their heightened level of activity within the community. I put it to you that way.

Mr Wiseman: I have a little difficulty. First you set a budget and then they're 25 per cent over budget and somebody comes in and says: "Hey, we're 25 per cent over budget. Give us the money." I have some real difficulties with that. That's what we're seeing with some of the other institutions, like the art gallery; I really have some difficulties with that one. I have always believed that you set a budget and that's it. You've got to work within your budget and you've got to be creative within your budget. If you want to spend more money, then before you spend that money, you'd better find out who's going to give it to you and where it's going to come from and not come back and hold this deficit over the head of somebody who—

Ms Carter: But surely in this case what we're looking at is not so much the size of the budget as where it comes from. If it came directly under the Ministry of Health, it could say, "Hey, you're overspending," and limit that budget just as well as a hospital can. My worry is that the hospital may have a vested interest in restraining the activities of this board. That's the issue, I think. Who knows? It works both ways.

Mr Bisson: This is also in your riding, eh, Mr Chair? Yes. So you guys know this, probably more so. What are your feelings, both of you, on the budget question? You've been dealing with these people.

The Chair: I don't have any strong feelings, but I know that general hospitals, for example, I suppose in all our ridings, have boards that are funded from hospital budgets and it doesn't seem to create any real difficulties in terms of independence. That's what we're raising here,

that they need to be institutionally independent of the hospital in order to analyse the performance objectively. Do we agree with that or disagree? If we agree with that, I guess we should be asking the minister to look at the way in which the board is funded.

Mr Bisson: So you would be recommending that we approve the idea of the budget?

1130

The Chair: I'm saying that we could simply say that based on our concerns, the Ministry of Health should be reviewing the way in which boards are funded.

Mr Cleary: Speaking for myself, I'm not familiar with the outreach they've done. I'm not saying they didn't do it, but I'm not familiar with it if they've done it in the past.

Mr Bisson: Would you recommend that they institutionalize their budget? What's your feeling?

Mr Cleary: Everyone is looking at budgets now, and I guess we've got to keep them as tight as we can at present. I would think there should be some caution there.

Mr Bisson: So we've got one for and one against. Let's break the deadlock.

Listen, the concept is great, because it gives them a certain amount of autonomy. That I support, because that's what the purpose of this board is. The only difficulty I have is that if you set a budget and say, "Okay, we'll give you a yearly budget of \$20,000," next year we want to get a support staff, the year after that we want to buy a computer, we want a bigger office. That might be very well and very good, but you could end up with 10 of these boards with budgets of \$100,000 to \$200,000 within five or six years. Do we want to go that route? That's what I'm asking.

The other thing I'm thinking at the same time is the whole question of what's going to happen in redirection of long-term care over the long term. I don't know quite how it's going to come into play on the whole concept of what this board is all about, because quite possibly under the long-term care model there might be some sort of advisory review committee, or whatever you want to call it, for the overall services provided to the community. That's why I'm a little bit reluctant to say, "Yes, let's give them a budget," until we really know what comes out of all of that. I would say no.

Mr Wiseman: Well, this is pretty open-ended. It says "should consider." They can consider it and they can reject it. I'm not sure how people feel about this, but this isn't saying they should. It just says they should consider it.

Ms Carter: I think it should be looked at; of course all the things Gilles is saying would then be part of what they were looking at.

Mr Wiseman: If we're trying to move more of the care out of the institutionalized situation, then maybe the community advisory boards and what they're going to be doing is cost-efficient in the sense that there are cost savings in other areas, or the escalation of costs is not going to accelerate in the same way it has in the past. Maybe we should just leave this the way it is and pass this as is and leave it up to the Ministry of Health.

Mr Bisson: Okay, with the cautions that we've raised.

Ms Carter: They're going to be worried about money.

Mr Wiseman: They're going to be worried about that.

Mr Bisson: I would raise the caution just for the record. My main thing is the question of, how will this board fit in in the long term in regard to the whole redirection of long-term care? The other question is, if you give a budget, do you stipulate at the very beginning that it's not the intention of the ministry in giving this budget that we end up building "another bureaucracy" etc?

The Chair: I'm not sure that's fair.

Mr Bisson: I know it's not fair; I'm generalizing the term. But the other point for me is that it would probably be easier to come at it from the other way, to say the hospital "shall provide" from its operational budget support services and what's needed up to X amount of dollars for that particular board in the meantime.

The Chair: I don't know if anyone's clear on that. I'm sure not. I'm going to ask you to make that a motion. If you want something that elaborate, you're going to have to make a motion.

Mr Bisson: My motion would be such that we leave it to the discretion of the ministry but with the following points for its consideration: Would a possible solution be to fund the advisory board from the existing hospital budget? In other words, they must provide certain services to this board and would have to legally do that.

The other thing is that the ministry—if you've caught up to me—takes a look at the long term on this particular question, how the redirection of long-term care will fit into the mandate of this board, and before actually going ahead and giving them a budget, if it decides to do that, that it look at that question.

The Chair: Does everyone appreciate the intent of the motion?

Mr Wiseman: Yes.

The Chair: Does the researcher—

Mr Bisson: Understand what I'm saying?

Mr Pond: It's all in Hansard.

The Chair: Any discussion? All in favour?

Motion agreed to.

Mr Wiseman: It's nice to be writing some of this stuff off.

Mr Pond: We haven't quite written it off. That's it for draft reports. The next big item is, if you recall, last summer the committee decided to write to all the agencies that had been reviewed by the committee since 1988 and asked them to submit a response as to how they have responded to the committee's recommendations. I was then asked to summarize their responses.

You should have that in front of you. It's called Responses by Agencies, Boards and Commissions to Committee Recommendations dated April 16, 1992. This is quite lengthy because, after all, the committee has reviewed quite a lot of agencies and there have been quite a lot of recommendations.

I'm in your hands as to how you want to proceed. If you would like a generalization, most agencies have prepared highly detailed responses. There are only really two or three agencies that have indicated varying degrees of strong disagreement with the committee's recommendations.

Mr Wiseman: Like the Ontario Food Terminal Board?

Mr Pond: That's one of them, yes. I think their problems were partly legal problems; that was their argument, I think. Two or three of these agencies have been dissolved, so it's not relevant.

There's one problem, though, that I think we should bring to your attention. On page 15, with regard to the review board for psychiatric facilities, apparently one of the recommendations of the committee was that the board prepare annual reports. It didn't when the board was before the committee. Apparently, judging from their response and from the research I've been able to do, they have not released or published or tabled in the House an annual report, but it seems, from the documentation the ministry provided, that they have prepared one and they're operating under the assumption it's been released. According to the library, the board has not released an annual report. According to the information I've been able to gather from the documents released by the board and from the ministry, as far as they're concerned, they have released an annual report.

So there seems to be a breakdown in communication between the ministry and this committee about whether or not the ministry has released an annual report for the Psychiatric Review Board. I was wondering whether perhaps we should write a letter to the ministry saying: "Look, as far as we know, the board has not published an annual report, although it seems to be your position that it has or it should be. Could you clear this up?" There seems to be a real breakdown in communication there.

The reason I bring it up is, if you look at the responses of the Psychiatric Review Board to the committee's recommendations, most of what they say is in effect: "Just see our first annual report. That answers your questions." As far as I know, as I say, and as far as the library has been able to determine, no annual report has been published. It may have been prepared internally, but it has not been published. That's my information as of yesterday.

Mr Wiseman: I guess you would need a motion to request this information from the Ministry of Health.

Mr Pond: We just write them a letter. I could phone them up as well.

The Chair: Just if we have agreement on the formal motion.

Mr Pond: To be fair to the board, it has prepared a response. It's just that they didn't send it to us because they said, "Just see our annual report."

Mr Wiseman: I think I'd like to see it, since the recommendation was addressed in the 1990 annual report.

Mr Pond: Yes, they didn't send it to us and, as far as I know, it doesn't exist.

Mr Wiseman: Then the next one is, "A timetable for implementing this recommendation is under review." They

say that for a number of them. So how do the rest of you feel?

Mr Pond: If you'd like me to flag the other ones that have—

The Chair: Yes.

Mr Pond: You mentioned the Ontario Food Terminal Board; that's one of them. On page 19, the College Relations Commission, the issue there is, as you know, the commission steps in when there's a strike in the community colleges, either among faculty or support staff. The role of the commission is to make what's known as a jeopardy advisement to the minister, which means that the commission is supposed to make an evaluation about when a strike is threatening to make the students lose their year.

The commission has to balance the teachers' right to strike—the support staff have a statutory right to strike—against the students' right to finish their year. The role of the commission is, when it feels that point has been reached and the balance is tipped, so to speak, it is supposed to warn the minister. Then the minister has the discretion to step in or not step in, as the case may be.

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The argument when the commission was here was that as it currently stands it makes that judgement—and it's a question of its best judgement about when it should make a jeopardy advisement—but that there were not any statutory criteria to guide it in any great detail about when it should make that advisement. Some of the members felt that in the 1989 strike the commission had waited too long before making the advisement to the minister.

The committee was surprised to learn that at that time the commission did not collect statistics on the dropout rates in community colleges compared to the length of previous strikes. The committee argued that the commission should examine whether there was a quantifiable correlation between the length of a strike and students dropping out. The commission replied, "We don't do that kind of research."

As you can tell from the reply of the commission, it is collecting data now, because it has received the money from the ministry to collect the data, but it doesn't agree with the notion that there should be written statutory criteria guiding when it makes jeopardy advisement. The relevant paragraph, I guess, is at the bottom of page 19. That sums up their argument with the committee.

The Chair: Any comments? What do you think should be done in this instance?

Mr Pond: I was afraid you were going to ask me that. That raises the question of what the committee would like to do with any of these responses which, in your judgement, aren't up to speed. For example, on the next page the committee recommended that, "The Custody Review Board should be abolished." The Minister of Community and Social Services says no, in effect. That raises the question about what kind of follow-up you want to do for these recommendations generally.

Mr Wiseman: Without knowing a lot more—

Mr Pond: That's it exactly. That's the problem.

Ms Carter: I'd respect the minister's opinion in the absence of any other information.

Mr Pond: One thing you could do—Doug and I have talked about this informally—is just publish this in the next report on agencies with a covering proviso about: "This is a new step the committee is undertaking. It is the first time the committee has done this kind of follow-up. Because of time constraints or whatever, the committee doesn't want to pursue these follow-ups at the present time, but we're publishing it as a way of sending a signal to agencies that they should be expected to respond to committee recommendations." We could do that.

The Chair: Personally, I think that's a good idea. On the other area, when we are making decisions in respect to reviews this summer or later on, we may feel it's appropriate to recall some of these agencies. In fact, it doesn't have to be done during a break period. We're going to be setting time aside for review of agencies during our regular sittings, so we could take a look at two or three agencies, for example, whose responses, in our view and the researcher's, have been inadequate and recall them to appear before the committee and justify why they haven't responded in a positive way to the recommendations of the committee.

So those are the two courses of action I see, certainly of making reference in our report and also, if we feel it's important enough—and this is something again that the subcommittee can throw around—look at calling perhaps the most glaring of the commissions not responding positively to reappear before the committee. Are we agreed with that? Okay.

Mr Pond: Finally, the last document I have for you today is a brief summary of where the committee is at with regard to all of it—as you know, we've reviewed 11 or 12 agencies since 1990. There are only one or two things I'd like to flag for your attention at this point, starting at page 3. These are the reviews which are still up in the air, so to speak.

Interjection.

Mr Pond: No. I'm sorry. This is a separate document called—

Mr Bisson: Draft final report? What's it called?

Mr Pond: Progress Report on the Committee's Review of Agencies, Boards and Commissions, dated June 10. It's about four pages long.

On page 3, these are the current reviews outstanding, if you like, and I've put the relevant questions in italics.

Regarding district health councils, in 1991 the committee reviewed two DHCs. In January of this year the committee reviewed another one. At the end of the hearing on the third DHC, Ottawa-Carleton, there was some feeling that, as you've mentioned already, given the new directions in the ministry, the new long-term planning directions being considered, perhaps the committee should ask the minister or the deputy minister to appear to discuss how these will affect DHCs since, after all, DHCs are supposed to be in the business of planning right now.

My own suggestion is that if you don't want to do that, we have enough material to prepare a draft report because we've done a lot of DHCs, we've done a lot of order-in-

council appointments to DHCs. There's enough material around right now to prepare a draft report but there's one question remaining, namely: Do you want to bring in the minister or the deputy minister to talk about the relationship of DHCs to the long-term initiatives?

Mr Wiseman: Could I make a suggestion that you prepare the report and then when we've got the report we call in the deputy minister or the minister so that we can read the report and then we can ask our questions specifically related to that report? Is that a wise approach to this? Does everybody agree?

Mr Bisson: We support you all the way.

Mr Wiseman: Yes, I know, but I'm the one out on the edge of that gangplank.

Mr Bisson: We all did it together.

Mr Pond: Okay. The Ontario Northland Transportation Commission, if you recall, we heard from it in February and the issue then—the situation may have changed—was, does the committee want to hear from or invite—

Mr Bisson: Is that the ONTC?

Mr Pond: Yes. This is the issue. At that time, if you recall, as I understand it, several private sector bus companies were interested in hearing, and I don't know if they still are. That's the thing. Time has passed. Maybe the ministry has resolved that issue, for all I know. So the question is: Do you want to hear from client groups of the ONTC?

The other issue, I guess, would be the railway unions. They might want to be invited to appear. That will be the issue, I think, with the ONTC.

Mr Wiseman: Can we talk about that?

Mr Pond: All right, no problem.

Mr Bisson: I would have to get back to you.

Mr Pond: Okay. The Ontario Board of Parole, members raised a whole range of questions about the justice system in Ontario, and I'm still working on that one so we'll skip that.

The Metropolitan Toronto Police Services Board. Now, if you recall, that hearing was truncated. It was shorter than usual because there was a scheduling mixup—not all the members were here for the hearing. I think there were about four members here. There were all kinds of questions raised about the police services board but, as I say here, the committee never sat down and worked out possible recommendations.

Mr Wiseman: I'm freelancing here, but in the Lewis report, is this something that we would want to do?

Mr Pond: As I was just about to say, there are all kinds of issues that have come up since January.

The Chair: This was a selection of one of the parties, and I don't think it's appropriate, with Mr McLean not here, to shoot this down, because this committee has always operated on the basis of each party selecting an ABC or two for review. I don't think this would be a precedent to cut this off, if that's what you're suggesting, without the approval—

Mr Wiseman: No, we were suggesting we have it back.

The Chair: Okay, fine. I don't know what Mr McLean's view would be on it, but I felt you were going in the other direction—

Mr Wiseman: We are really accommodating today, Mr Chair.

Mr Pond: So we're going to hold that one over until—

Mr Wiseman: We'll have to wait for Mr McLean to make a decision on that.

Mr Pond: I may have misheard you. Regarding the ONTC, are the members going to come up with the—

Mr Bisson: I think it would be totally appropriate to have some of the client groups come before the committee in order to deal with the question of what's happening with the ONTC, but I also would like to see some of the major unions that are represented in the ONTC here as well.

Mr Pond: Do you want us to look up possible groups that might want to appear?

Mr Bisson: Yes.

Mr Wiseman: I think we'd want to—this is the Ontario Northlands Transportation Commission? I'd like to caucus with my colleagues on that before we go further.

Mr Pond: Finally, the Grand River Conservation Authority. If you recall, the issue there primarily was the authority's response to the audits that had been done in the early 1990s by the ministry as a result of controversies in the local media about how the authority was spending its budget. Almost all of the questions to the witnesses were directed at how well they had responded to the audit.

I think it's probably safe to say that members didn't draw any firm conclusions one way or another. I was directed to get a hold of the ministry audits. I haven't been able to do that yet; we're still trying to do that. I just may not have gotten the right official the last time I tried. If you like, I can continue to plug along at that.

Other than that, it's really hard to pin down how well they're managing their funds. In a one-and-a-half-hour open session with the witnesses it was very hard to do that. They had responses, but whether they were satisfactory or not, the members didn't decide at the time.

Mr Bisson: Through what ministry are they funded?

Mr Pond: The Ministry of Natural Resources. They also receive funds, as you know, from the municipalities within their catchment area.

Mr Bisson: I'm not sure what the controversy is. Was the point that there was some alleged inappropriateness in regard to how the funds were spent?

Mr Pond: Yes, that they were being spent on things it wasn't necessary to spend money on.

Mr Bisson: Such as?

Mr Pond: Do you want to give examples?

Mr Wiseman: I'm just trying to remember. I know they were there.

Mr Bisson: So there was an audit that was carried out because of this?

Mr Pond: Yes, there were a couple of audits.

Mr Bisson: And we've never seen the audit?

Mr Pond: No, I haven't seen it personally because they wouldn't give it to me.

Mr Bisson: Who wouldn't give it to you?

Mr Pond: The authority didn't bring it, to start with. Since then I've been trying to get it out of the ministry—and I don't want to cast aspersions on the ministry, maybe I just didn't get the right official. So far I've found it a bit difficult to get a copy of that audit from the ministry, but maybe I just got the wrong person. Maybe tomorrow they will give it to me. But that won't resolve the question of what you want to do with it. The audit was done in 1990; the allegations were in 1990. I guess the question—

Mr Wiseman: I think there are a lot of questions to be asking these conservation authorities.

Mr Pond: That leads me to the next one: Do you want to invite another one?

Mr Wiseman: Absolutely. This one has got to come in. They're planning subdivisions, okaying building permits on floodplains and trying to sell land. Yes, I think this one would be a good one to have.

Ms Carter: How many conservation authorities do you want, because I would be interested in my own.

Mr Wiseman: One of the things I think we might want to do with the conservation authorities in the recommendations we'll be making is to consider, first, whether they should be restructured, how to make them more accountable, what the relationship should be to the local councils and the Ministry of Natural Resources, how they're being funded and the approaches we might want to recommend in terms of that, their mandate and how they

should be structured in order to achieve that mandate. I think there are a lot of questions here.

Mr Pond: Yes. My point was that when the Grand River Conservation Authority was here those issues didn't arise. That was my point about the first one. So we could invite the second one to come in, the way we did with DHCs. We had more than one DHC because the committee felt it wasn't representative of the system just to have one. Perhaps we should invite a second one and take it from there, if you like.

Interjections.

Mr Wiseman: Yes, I would agree with that. I think that would be appropriate. Would you agree with that?

Mr Cleary: Talking about conservation authorities, a lot of them are very upset right now; underfunding.

Mr Pond: I think all of them are upset.

Mr Cleary: We might just as well listen to them.

Ms Carter: It's a question of how we spend—

Mr Wiseman: I think this would give us an opportunity to discuss this.

The Chair: I think we're all in agreement.

Mr Bisson: I think it was a recommendation to have somebody from MNR—

Mr Waters: Who is responsible or very knowledgeable about conservation authorities from MNR's perspective and the relationship with them.

The Chair: I guess that concludes the meeting, unless there is any other business. We've got a meeting of the subcommittee.

The committee adjourned at 1155.

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Bradley, James J. (St Catharines L)
- *Carter, Jenny (Peterborough ND)
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- *Wiseman, Jim (Durham West/-Ouest ND)

Substitutions / Membres remplaçants:

- *Bisson, Gilles (Cochrane South/-Sud ND) for Mr Marchese

*In attendance / présents

Clerk / Greffier: Arnott, Douglas

Staff / Personnel: Pond, David, research officer, Legislative Research Service



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Legislative Assembly of Ontario

Second session, 35th Parliament

Official Report of Debates (Hansard)

Wednesday 17 June 1992

Standing committee on government agencies

Subcommittee report
Appointments review

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 17 June 1992

The committee met at 1011 in room 228.

SUBCOMMITTEE REPORT

The Acting Chair (Mr Bernard Grandmaitre): This meeting will now come to order. Our first item on the agenda: the report of the subcommittee on committee business dated Wednesday, June 10. Any questions on the subcommittee report? Is it agreed to?

Mr Marchese moves adoption.

Mr Jim Wiseman (Durham West): We do have one slight problem. I understand that Ken Harrigan cannot appear on the 24th, and he is our selection.

The Acting Chair: The Royal Ontario Museum board of trustees.

Clerk of the Committee (Mr Doug Arnott): I did hear there could be some difficulty but I didn't hear definitively he could not appear. I'll check back and I'll let you know.

Motion agreed to.

APPOINTMENTS REVIEW

Consideration of intended appointments.

FREDERICK GRIFFITH

The Acting Chair: The next item on the agenda this morning is Mr Frederick Griffith, to be appointed to the Ontario Lottery Corp board of directors. Mr Griffith, good morning, sir. Any comments before we start grilling you?

Mr Frederick Griffith: No, I'm here at your pleasure.

Mr Allan K. McLean (Simcoe East): I have some questions.

The Acting Chair: The third party requested your attendance, Mr Griffith.

Mr McLean: Mr Griffith, you've been with the Sault Ste Marie and District Group Health Association for some 24 years, is that right? What were your duties?

Mr Griffith: I was in a variety of titles but I was the chief administrative officer of the organization from 1964 until two years ago when I retired voluntarily.

Mr McLean: Did you apply for the Ontario Lottery Corp position?

Mr Griffith: No, I did not.

Mr McLean: Were you asked?

Mr Griffith: I was asked if I would offer my name to this committee for discussion.

Mr McLean: Whom did that request come from?

Mr Griffith: From Mr Wildman and Mr Martin.

Mr McLean: Do you know how much this position pays?

Mr Griffith: I believe that there is a per diem, but I can assure you that neither my ego nor my bank account is

dependent on this position. This may sound a little naïve, but through my life I have felt that when a citizen is asked to take part in some of the duties of the society from which he benefits he should offer himself or herself to that position.

Mr McLean: You would have taken it even if there had not been a per diem, would you?

Mr Griffith: Absolutely. If you would like to cancel it—

Mr McLean: I have a couple of questions I'd like to get your thoughts on, and they have to do with how the lotteries are disbursed. Some time ago a previous Treasurer brought in a bill which put all the funds into general revenues. At that time there were some of us who indicated that we felt a great percentage of that should stick with the sports, fitness and recreation part of it. Are you familiar with how it's broken down, the amounts that go to that and the Trillium Foundation?

Mr Griffith: I am not. I do not pretend to be an expert on the internal affairs of the corporation. I believe that also a considerable amount of the funds go to hospitals, which I don't think is sufficiently well recognized by the public.

Mr McLean: Getting back to my previous question with regard to the sports, fitness and recreation part of it, there's approximately \$40 million, I guess, that goes into that and some \$300 million into hospitals. My concern was that in order to keep our health care costs down you've got to have sports, fitness and recreation to keep people healthy. I'm wondering if you feel that there's enough going into that aspect of it.

Mr Griffith: I have no opinion on the amounts, but I certainly agree with you that as we are moving into a much greater and better understanding of what health is and what determines health, there is no question that the activities that you mention are major contributors, along with housing, nutrition and many other things, of course.

Mr McLean: Are you familiar with any of the other members of the board?

Mr Griffith: No, I am not.

Ms Jenny Carter (Peterborough): Some people of course have problems with lotteries as a means of funding government operations, but leaving the strictly ethical part of it aside, do you think that there's any danger in using lotteries to provide funding for essential services? I believe the revenue from lotteries has decreased just recently, and that does leave a question mark as to whether we're going to be in difficulties if certain activities are dependent on this funding.

Mr Griffith: In all honesty I would have to say that I wish that we had a fair, equitable, reasonable and all-of-the-good-things taxation system that would provide sufficiently for all of our necessary services. The fact is that the

lotteries are in essence a voluntary tax that seems to be highly acceptable to the public.

I believe that the corporation is a relatively fragile sort of organization. So much of it is dependent upon the view of the public of the integrity of the organization, and that filters all the way through. There are very large amounts of cash being handled. So I think that the matter of integrity and the larger moral issues all the way through are absolutely essential, but one of the functions of a board is to build and maintain close linkages with the moral membership, which in this case is the people of the province as represented by you people in the House.

So if that linkage is well built and maintained and people understand the function of it—of which I think they have some understanding—and if it is operated on a highly moral basis, which I believe it has been, then I don't see that that's a difficulty.

Ms Carter: Do you think that a certain level of funding should be guaranteed to recipient organizations?

Mr Griffith: Times change, priorities change and values change. One of the problems I think we have in individual organizations is that too often programs that have been in existence for some time have an unfair advantage in the competition for resources with new programs which may indeed be better.

Innovation is always very tough. I've known that for many years. So obviously for some period of time an organization must have some stability to plan and fulfil its mandate, but I don't believe there should be any guarantees. There're not many of us who have guarantees in most of our activities. I think that, particularly in times like these when all resources are scarce, we must be sure that we have the proper methods in place to ensure we're getting the best return on whatever investment we make in any sort of program.

1020

Mr Robert Frankford (Scarborough East): It's very nice to see you here. Is the position you're taking advisory about the disbursement of funds or is it to do with the management of the corporation and the methods of raising money?

Mr Griffith: I have some fairly definite views on the role of the board and the role of management. I believe governance is the obligation of the board and management is not. The board has one employee, and that employee is the chief executive officer of the organization. One of the duties, then, of the board, along with establishing a linkage to this moral membership, is establishing methods to monitor the executive performance. I think too many boards spend too much time reviewing the past and not enough time in planning the future. I see boards poring over a financial statement, and I ask, "If there's something on there you don't like, what can you change?" You can't go back six months and redo something. So I think many boards are spending too much time reviewing the past and not enough in planning the future.

It's up to the board to establish clear policies, to establish the values of the corporation and to ensure, then, that the executive and the management of the corporation are

carrying out activities that move the corporation towards those values and towards those objects, but it is not to try to out-accountant the accountants or out-manage the management of the staff; the board is not the staff. Hopefully over the years of the existence of the corporation, competent staff has been recruited and trained and oriented and is functioning reasonably well.

Mr Frankford: I know well how successful the Group Health Centre has been over the years that you were the key figure in building it up, but I wonder if you could just give some indication to my colleagues of what it's all about and how it grew over the years.

Mr Griffith: The Group Health Centre has had a fairly colourful history. It began in the late 1950s and early 1960s when Sault Ste Marie was really quite an isolated community. Some people in Toronto may regard it as isolated now, but at that time the highway ended at the Sault, there was no airport in the Sault, it had a railway spur line and there was no bridge to the States. It was really quite isolated.

The Steelworkers were negotiating more and more money for indemnity-type insurance and began to realize that the harder they bargained with the corporation the more benefits the physicians got rather than the Steelworkers. They could never change their relative position; they were always paying about the same amount out of pocket. All of the physicians in the community had opted out of the doctor-sponsored not-for-profit plan, Physicians' Services Inc. The fees in the Sault were higher than they were in Toronto or Sudbury or in other locations.

They began to realize, as they thought of this thing, that there is a difference between the way health care is paid for and the way health care is organized. They're related, but they're two different issues. They decided they would go for a pre-paid, group-practice type of care, and this was really heresy at the time. Solo practice and fee-for-service payment is still the norm in the province. So there was a great deal of opposition. There were lawsuits and so on.

When I joined the organization in 1964 there were 13 physicians, and the newspaper had said we might have as many as 30 employees. When I left there were 54 physicians; there were 243 employees. The original practice location had more than doubled in size. We have five practice locations, offsite computer services, storage services and accounting services.

While it was regarded as a very strange way to do business when it started, one of the problems we have now is the number of people who want to come and see what it is in fact we've been doing. When the Toronto Hospital Corp was planning what is known as a comprehensive health organization we had, I believe it was, three or four quite large teams of people visiting the centre to find out some of the mechanisms of how we operate. We have had people, I guess, from every province. I have been in health centres in every province at one time or another, literally from Newfoundland to the Queen Charlotte Islands. I was asked to put on a course in China for health care administrators in Harbin, Heilungkiang province.

So it has gone from an unknown and very contentious sort of organization to something that more and more is

being recommended. Almost all of the reports, commissions, Premier's councils or whatever they're called in the different provinces include in the recommendations some form of what we are doing as part of what I see as quite a necessary reform in the health care system.

Mr Bernard Grandmaître (Ottawa East): I'd like to go back to your responsibilities as chair of the Ontario Lottery Corp. As mentioned a little earlier, the lottery profits have been decreasing in Ontario in the last three or four years. What are your thoughts on widening the possibility of gaming in the province—for instance, opening casinos? What are your thoughts on casinos?

Mr Griffith: As I'm sure you're aware, I live in a border town and I see the traffic across the bridge. I hasten to say I'm not one of those people. The traffic across the bridge is very extensive into Michigan. There is usually one item that triggers a person's trip to the States. It may be gasoline or in our case it may be a casino, because there is a casino on the American side of the river on an Indian reserve. There are also charter flights from time to time out of Sault Ste Marie to Las Vegas and Atlantic City.

I hear great debates about the price of gasoline and what might be done about that, or the price of milk or dairy products. Certainly the retention of all that money flowing into American states—in the best of situations, to an American state; in the worst of situations, to others—is something we really have to take a look at. I have no idea of the amounts of money, but it must be very substantial. If we can keep that money, those jobs, that activity in the province, then I think we should take the necessary steps to do it, remembering what I said earlier that the whole corporation is based on a view that it is a moral organization seen as having a high degree of integrity.

The amount of cash that's around obviously provides some motivation. I think we have to ensure that the opportunity for misallocation of funds doesn't exist. In the times we're in at present and with the loss to the States of jobs and dollars, we should be looking at all the alternatives, including the casinos. If people are going to gamble, which I don't believe we can stop, let's do it at home.

1030

Mr Grandmaître: As you know, Sault Ste Marie is on the priority list whenever that announcement is made by the government. I realize that Sunday shopping has been attracting a lot of people from the Sault to Michigan. Would you know how many regular trips are made? Was there ever a survey conducted to identify people crossing to Michigan to gamble?

Mr Griffith: I have no idea how many they are and I have no idea how you could find out. Obviously when you return from the States it's a very informal procedure. The question is usually, "What are you bringing back?" and if the answer is "Nothing," that is usually sufficient. The question I have never been asked is, "What did you leave over there?"

Mr Grandmaître: Your wallet, if you gamble.

Mr Griffith: Yes, right. Sometimes they ask, "How much did you spend?" or "What was it worth?" But I don't

see any initiation of information that would allow that figure to be put together.

I have a sister who lives on the American side of the river who spent her working life in New York. Her home is on the riverside downstream from the location of a casino. A personal observation in driving to my sister's is that the parking lot usually shows there are quite a number of Ontario licence plates, as do some of the other—Glen's grocery store and so on. It's a very frequent stopping place for Ontario licence plates.

Mr Grandmaître: Do you think that by opening the gaming business, if we can call it the gaming business, in Ontario the government should be using these dollars to provide more money to hospitals or social services? Do you think the best way to administer these services is by opening up the gaming business?

Mr Griffith: I believe I said earlier that I hope we are able to develop an alternative, but it seems to me that the public, by its actions, has said it would prefer this form of voluntary tax rather than an involuntary tax levied by government. They certainly are being reasonably faithful to the games that are being played at the present time; there are very large amounts of money going into them. I would hope that when it's necessary to make the allocations from those funds there are directions from the Legislature and there are policies in place within the corporation to ensure again that the maximum return of those funds is indeed going to those places with the highest priorities, recognizing some of the things Mr McLean has said as well.

Mr Grandmaître: So you're not really opposing casinos.

Mr Griffith: No, I am not.

Mr McLean: I have a couple more questions. What type of casinos do they have in Michigan? Is it slot machines? I'm curious.

Mr Griffith: I will confess to you that my curiosity took me inside the doors once. I'll also confess I've been inside the doors in Las Vegas. I had a business meeting there. My wife was present, and when we were leaving she said, "You know, we've been here for a week and we haven't gambled." I reached in my pocket and I had three quarters which she proceeded to lose immediately, and I said, "Now you've gambled in Las Vegas."

The only time I have been into the casino on the American side of the river it was not open. There were some people in there, but the games were not present. I did not see a slot machine. There obviously were blackjack tables, but I really had only a very cursory look.

Mr McLean: I'm wondering what type of casinos we're going to have in Ontario, if they're going to be slot machines or the whole thing like they have in Vegas. I was curious what's on the other side.

Mr Griffith: Give me a couple of bucks; I'll go there tonight.

Mr McLean: I don't want to lose that quickly. I'm pleased to meet you and I wish you well.

Mr Griffith: Thank you.

The Chair (Mr Robert W. Runciman): Mr Bradley, if you've changed your mind I guess you—

Mr James J. Bradley (St Catharines): Yes, I'm going to ask a leading question like, "Don't you believe?" and you'll answer it any way you want to. But don't you believe that the moment we set up casinos on our side of the border we'll see a blossoming of casinos in adjacent jurisdictions, and even if you put aside all the moral or ethical reasons against it, that in fact unless you're the only game in town the amount of money to be derived from casinos is not nearly as great as many people would anticipate?

Mr Griffith: I wish there were a difference between a reply and an answer. We've sparred once before on the Premier's Council on Health Strategy. I suppose it depends on whether you want to be the reactor or the initiator. Obviously, in all phases of any sort of economic enterprise there's an action and a reaction. There are market forces at work even in this field, and I suppose that all jurisdictions at the present time, including the federal government of the United States, are looking for ways of painlessly raising money. So you're probably quite right: If there is a market, someone will respond to it. I guess it depends on whether you'd rather be an initiator or a reactor. But you're probably quite right: there will be some reaction. I guess the aim is to try to build a better mousetrap.

Mr Bradley: The second question I would have is: Are you aware of any studies that have been done to show the impact on individuals, particularly those who are addicted to gambling and who will be very attracted to a very fancy kind of gambling? It's even more attractive because it's glitzy and it sounds like Las Vegas and so on. Do you not think that those people are going to be attracted to this in even greater numbers and we're going to see even more social problems as a result?

Mr Griffith: You used the word "addictive." I would guess that if people are indeed addicted they will find a way of satisfying their addiction, and it doesn't matter much what it is. There are people who undoubtedly will get into trouble because of gambling habits. There are people who get into trouble because of drinking habits and driving habits and a variety of other activities. If we could cure that addiction, getting back to health care, that would be wonderful. Until we reach the point that we can, I think we're going to have to take a chance that if we are indeed going to have addicts they will satisfy their addiction. Whether there's some good to our society derived from it, that's a—

The Chair: Thank you, Mr Griffith. That concludes the questioning. We appreciate your appearance here today and wish you well.

Mr Griffith: Thank you very much.

LEO D. COURVILLE

The Chair: The next witness before the committee is Mr Leo D. Courville, who is an intended appointee as a member of the City of Cornwall Police Services Board.

Mr Courville, your review was a decision by the official opposition, so I'm going to look to Mr Grandmaître to begin the questioning.

Mr Grandmaître: Mr Courville, I'll be very blunt with you.

Mr Leo Courville: Yes, sir.

Mr Grandmaître: I received a number of phone calls from Cornwall in the last, let's say, six days telling me that your appointment is strictly a patronage appointment. Do you agree or not?

Mr Courville: I applied for this position based on an interest in the work of this agency based on my background in so far as I thought I could contribute to this agency and based on my interest in the community of Cornwall. I think that my interest and my background are such that they lead me to apply to this position.

1040

Mr Grandmaître: You say you applied for this position; how did you apply?

Mr Courville: I was very much aided by a wonderful publication which I found in our public library on agencies, boards and commissions. I hadn't seen that document before this year and I noted that it has a very comprehensive review of all of the various government boards and agencies there are. Certainly that was the primary factor that led me to look at the police commission for the city of Cornwall.

Mr Grandmaître: Have you dealt with the Cornwall Polices Services Board in the past? Have you dealt with them personally?

Mr Courville: I have not had any personal contacts with the board as such.

Mr Grandmaître: But you must be familiar, because of your background, with some of their responsibilities.

Mr Courville: Yes, sir. I believe I'm familiar with them in two respects. First, I'm aware of the work that the police do generally in the community, and second, I have some very sketchy knowledge of the Police Services Act. I have a sense of the responsibilities of the board from those sources.

Mr Grandmaître: How would you describe your Cornwall police force? Are they reflecting the attitudes and representing the real community life of Cornwall?

Mr Courville: I think they're primarily a group of fairly dedicated men and women who are trying to do the best job they can. I think police everywhere are having difficulty doing that job in today's environment. I think they have made some very positive steps in the last few years with respect to a number of important considerations.

My sense of where any police force should be going is that it should be community-oriented. It should try to blend into the community. Recently I know that there have been several women officers appointed as court officers, and that, I think, has worked very well. Even among these women there have been certain native Canadians appointed, and again that seems to augur well in terms of our community.

So I think that in so far as they're trying to fit into the community more and become community-minded they're on the right track. Like any police force, training is of the utmost importance. In so far as they can develop more

extensive programs for training that fit the Cornwall situation, they'll be more effective.

The Chair: Mr Cleary.

Mr Bradley: I'm next, Mr Chair. Premier Rae said he was going to be different in the field of patronage, and there was the implication in opposition that Mr Rae and members of his party disliked the idea of political patronage. Were you not a candidate in the last provincial election for the NDP?

Mr Courville: Yes, I certainly was. Mr Cleary certainly knows that.

Mr Bradley: Do you not believe that, when you see so many people who are so clearly identified as candidates or major players in the NDP election campaign, this simply flies in the face of Premier Rae's contention that he is—

Mr Wiseman: Like Ken Harrigan. You mean like Ken Harrigan?

Mr Bradley: We all know he wants to cover his ass with a few other appointments, Mr Wiseman.

Mr Wiseman: Get real.

The Chair: Let's confine this to questions and answers. We have limited time.

Mr Bradley: Don't you think that betrays the suggestion that Premier Rae was going to be different in terms of patronage appointments?

Mr Courville: Sir, if I can answer that, I'm not sure in what context you're referring to the issue of patronage. I'm applying for this position based on a certain background and experience and qualifications that I think I can bring to this board. I believe that if I were not a member of the New Democratic Party, which I am, I would be applying for this board regardless of that fact.

I find this area interesting. I am a member of the Cornwall community. I am a practising lawyer. I notice there is precedent in Cornwall: There have been at least two lawyers in the past few years who have served on this board. I think they've done a good job in helping the board, and I think it's an issue that I would address outside the context of my particular political leanings. Clearly I'm not hiding the fact that I am a member of the New Democratic Party, but I don't think that's at issue here. I certainly wouldn't approach it, if I were appointed to this position, from the point of view of being a New Democrat, any more than I would approach it from the point of being a Liberal or a Conservative.

Mr Bradley: What do you think your chances would be of being appointed if you weren't a New Democrat?

Mr Courville: Well, I guess I'd have to look at what a standing committee would look for in the qualifications of a candidate for this position. I think my qualifications are fairly in line with the requirements of the position.

Apart from the fact that I practise law in Cornwall—about 25% of my practice is criminal and 75% is civil litigation and administrative law at this point—I had a management position in Saskatchewan Telecommunications. I was what could be described as a middle manager there. That's a corporation that has 4,000 employees, and I did

have fairly extensive managing and budgeting responsibilities in that corporation as a strategic planning manager.

I've had a fair degree of experience in working with convicted people. I was a worker for the John Howard Society for a few years and I worked in the area of job placement for convicted people, so I know what convicted people go through and I know their problems with the police and I know the police problems with those people.

I know something about race relations. I worked in overseas assignments in different cultural situations, so I think I have some qualifications that might be of assistance to this particular board.

Mr Bradley: You are the second appointed person on this commission. Do you know Delores Jensen?

Mr Courville: Yes, I do.

Mr Bradley: And Delores Jensen would be a person who worked actively to get you elected?

Mr Courville: She was a member of my campaign committee, yes.

Mr Bradley: Do you not feel that the public may perceive, when they see you appointed to the board of police commissioners and they see Delores Jensen, who was active in your campaign, that this is in essence a payoff for being loyal to the party?

Mr Courville: I don't know what the public would perceive, to be honest, sir. I know that Delores Jensen is a very active lady in the community. She's active in senior citizen circles. She has, I think, a sense of what she would like to see as a publicly safe and secure community in Cornwall, and I would think she would make a very valuable contribution to that board. I would hope that her contribution would be weighed independently of her politics in the same way that mine might.

The Chair: Your time is finished, Mr Bradley; I'm sorry. Mr McLean.

1050

Mr McLean: Mr Courville, letters were sent to the local MPPs as well as local town, municipal and regional councils requesting that they submit names and résumés. Are you aware of any résumés sent or recommended by the city council?

Mr Courville: No, I'm not.

Mr McLean: Are you aware of any other people who applied for the position?

Mr Courville: No, I'm not.

Mr McLean: Are you familiar with any other members of the board other than the person my colleague mentioned?

Mr Courville: I know the mayor is a member by definition. I believe there's another gentleman by the name of Mr Towndale who's a member. I've never spoken to him about that.

Mr McLean: How many members are on the board, including the city representatives?

Mr Courville: I'm just guessing, but I believe it's five. The police chief is involved, of course.

Mr McLean: The Solicitor General made an announcement the other day with regard to lethal weapons. Do you have any opinion on that?

Mr Courville: I'm sorry, with respect to the reporting aspect?

Mr McLean: In the area of less-than-lethal force. All classes of less-than-lethal weapons used by police officers under the proposed regulations would be subject to ministry approval.

Mr Courville: I just caught that on the news last night. My reaction is that in terms of public accountability, I believe the police, in so far as they're more community-oriented, community-involved, aid themselves through a process of public accountability. If that accountability can be enhanced through a system of reporting in terms of the use of their weapon, then ultimately I think that will have to help the police in terms of their own safety. In terms of the use of alternative methods of force to pulling a gun and shooting it, I think probably every method should be explored. I'm not an expert on the use of force and I would think that would have to be looked at very carefully.

Mr McLean: Are you aware of any cases in Cornwall where you have felt a personal opinion that extra force has been used that should not have been—that the police force uses excess force?

Mr Courville: I'm not aware of any public denouncement of that kind of force.

Mr McLean: Do you believe that even in what happened here in Toronto the police overreacted?

Mr Courville: Being a lawyer, I'd like to be fully conversant with all the facts, and I'm really not. I know on the surface I think it would be wise for the police, in any situation I would think, to report all of the circumstances and to determine exactly what happened and what might have been avoided, if anything might have been avoided.

Mr McLean: Do you think Stephen Lewis had all the facts when he made his report?

Mr Courville: I don't know, sir. I'm not Stephen Lewis. I'm not in a position to comment on that.

Mr Will Ferguson (Kitchener): I've received a number of phone calls regarding appointments as well, and people couldn't believe we would appoint Bob Nixon, the former leader of the Liberal Party, as the agent general. They blew their stack in my riding when we appointed Andy Brandt. It was unbelievable that we would appoint the Liberal Deputy Minister of Energy, Marc Eliesen, to the chair of Hydro. They just found that very contentious. Even locally in my area I still get calls when we appoint people like alderman Bryan Stortz, who was a director of five local Liberal campaigns.

This door does in fact swing both ways. I think it's most unfair to walk in here this morning and use sleazy, slimeball tactics to suggest, because somebody happens to be a member of the—

The Chair: I want to bring you to order on that kind of language. I would appreciate you not using that kind of language, Mr Ferguson.

Mr Grandmaitre: We're not in the House. You can't use this language here.

Ms Carter: Only in the House.

The Chair: In any event, proceed. We're pretty open in this committee in terms of the politicization of these questions. I don't mind that. It's just the use of that kind of language.

Mr Ferguson: I'll withdraw that. I'll rephrase that.

To use questionable tactics to suggest that because somebody happens to be a card-carrying member of the government party automatically ought to disqualify that individual from serving the province of Ontario and, more particularly, his or her community, is just unbelievable.

These guys wrote the book on patronage. They could certainly show us a thing or two and be more than happy. All your research people stack up your numbers of whom you appointed politically to various positions across the province and how many were card-carrying Liberals, as opposed to how many we have appointed. The only reason that information has not been brought to light is because it would not bode his argument very well.

I'd like to ask Mr Courville this morning: You've outlined some of the areas you have been involved in that you think qualify you for the position. Do you have any thoughts this morning on community policing as opposed to the past experience of policing in communities where police generally would just respond to a call? Do you have any thoughts on that?

Mr Courville: Yes, I think this is clearly the direction of policing in the future in a number of respects. I noticed that in terms of just the physical presence in Ottawa recently. The use of police on bicycles is very refreshing because these people talk to the local store owners; they talk to people going up and down the malls. There's a sort of pleasant, easygoing kind of interrelationship between the police and the community, just by the fact that they're using bicycles, that I haven't noticed before.

In Cornwall they have a number of active programs where the police are going out and talking to kids in schools about the use of drugs. They're talking to various women's organizations on the issue of domestic abuse. As in all areas, an ounce of prevention is worth a pound of cure in so far as education can be used as a tool to develop a rapport within the community. I think it's going to save a lot of dollars at the enforcement end. I would certainly be very keen in seeing all police forces move towards a community orientation.

That would include also hiring people from all community segments. In Cornwall, for example, we have a large native population. We've had problems, tension, in the past. We have a large problem with smuggling cigarettes and alcohol. It seems many of the people who appear in court in conjunction with those charges are people of native origin. I noticed just recently the Cornwall police have hired more people of native origin. I think this can only help.

Mr Ferguson: I have another question. Mr Courville, since your party affiliation seems to be the main focus this morning, could you enlighten this committee? Are you

aware of any other present or past members of the police services board in Cornwall who have had any political affiliation with any political party, either openly or being card-carrying members or openly active members of other political parties?

Mr Courville: I haven't gone up to them and asked them if they're card-carrying members of the Liberal Party, the Conservative Party or whatever. But I believe that there are people who have served on the board who are actively supporting one or other of our political parties.

Mr Grandmaitre: But you don't know.

Mr Courville: I can't honestly say they're members of a party.

1100

Mr Wiseman: I'd like to begin by saying that police services boards play a very important role in my community. This government reappointed a very fine and distinguished woman to be the chair, who received an award just recently for her dedication and service. Her name is Gwen Mowbray. Her husband is, I believe, something like the national director for the Liberal Party. We have appointed others who have known Liberal ties.

The point I'm going to make here is that in fact this is a different process. We talked about the agencies, boards and commissions book. Perhaps you could describe for us what other areas listed in that book may be of some interest to you.

Mr Courville: Sure. One of the areas I found interesting was the health area. The district health council is a very interesting area for me. I'm concerned about health issues generally. I found the area of tourism, particularly the St Lawrence Parks area, an interesting area.

Generally speaking, I guess I was looking for areas that were of interest from an occupational and regional point of view in terms of the Cornwall area, so I was looking at health, tourism, generally the environment and education, as well as the policing area.

Mr Wiseman: I have received a large number of people who come through my constituency office. I have a copy of the book in my office and I encourage people to come in and apply. When people phone up and ask about these patronage appointments and so on, I say: "Well, come on up to the office and look in the book. You can apply and put in your résumé just like everybody else is doing in this province to get a position." I think that is different. We are taking résumés from people and people are getting jobs who would not be considered because they weren't in the inner circles of the previous governments' parties.

Mr Bradley: Like Elie Martel, Odoardo Di Santo and George Samis.

Mr Wiseman: I see the decision being different. I think you should know that you should take a great deal of satisfaction out of knowing that your being here today has attracted Mr Bradley to come here because he does not often grace this committee with his presence except when he can make political statements like he made earlier and comments like he's been making now.

Mr Bradley: What do you think of that, Mr Chair?

The Chair: I have difficulty with that sort of remark, Mr Wiseman, as the Chair. In the House that's sort of an attack on the integrity of another member and I think it is inappropriate. I think you can be critical of Mr Bradley's comments but I don't think it's appropriate for a member of this assembly to take that sort of approach.

Mr Wiseman: Mr Chair, when I see the examples of the approach from the opposition change then I will change my approach as well. Thank you.

The Chair: For your advice, I'm indicating to you that I am not going to accept that kind of behaviour, and if need be, Mr Wiseman and other members of the committee—and this applies to all members of the committee. I have limited powers in this chair but one of them is the right to refuse to recognize and I'm advising you now that if that sort of language and that sort of personal attack on another member occurs, that is one of the prerogatives available to me and I'm quite prepared to exercise it.

Sir, the time has concluded. Thank you for coming up from Cornwall. We appreciate it and wish you well.

CAROL DEVINE

The Chair: The next intended appointment is Carol Devine, who is an intended appointee as a member of the Ontario Institute for Studies in Education. Ms Devine, would you like to come forward, please? Welcome to the committee. Perhaps you will be able to change the mood in here this morning.

Mrs Carol Devine: I hope so.

The Chair: Your review was a selection of the government party. I look to Mr Wiseman to begin the questioning.

Mr Wiseman: Thank you for coming. I have an interest in the education field since I've spent 15 years as a secondary school teacher. I think that the Ontario Institute for Studies in Education is facing some very major challenges over the next few years, so I don't envy your going to the institute at this time.

One of the major developments in the next little while is that a number of teachers, at least in the secondary school panels that I know of, are going to start to move out into retirement at rates that are greater than teachers coming in from the various colleges and universities around the province. How do we meet this demand? How do we restructure the system, or what can be done? Do you have any ideas on that at all?

Mrs Devine: I suppose the simplest, but perhaps also simplistic, answer to that would be to gauge the number of admissions into our faculties of education according to the perceived needs over the future years.

I think we all know there are many highly qualified young people, some with considerable experience in different types of education and experience with young people, who don't have access to faculties of education at this time. Resources are limited. That certainly has an impact on all of the services we provide.

How that balance can be achieved I think needs to be looked at. As you say, when the retirement level reaches the height we know it's going to reach, we're going to

have serious problems. We may have to perhaps look at alternative kinds of programs for teachers.

It's a bit ironic, I suppose. At the same time as we're looking at possible shortages, in my mind we're looking at an area where teachers require more and more in terms of pre-service training to prepare them to even handle the job they're doing. It's going to be a very serious challenge, certainly.

Mr Wiseman: Compounding that challenge, of course, are the dollars that are necessary. As more and more of our young people opt for continued education, the amount of necessary dollars is going to be great as well. My sense from where I sit is that there does seem to be an overburden of administration in the educational system. This concerns me because as I saw the budget of at least the board I worked with increase, I also saw the expansion of the administration of the boards. I often wondered, when I was standing in front of my classroom and seeing these funds increase in terms of spending, what it was doing for me in my ability to be a better teacher and to include more students in the process.

It took me a long time, but I reluctantly came to the conclusion that the administration is top-heavy and in fact is not contributing to the actual teaching of the student. Have you any thoughts on that, since I read your curriculum?

Mrs Devine: I suppose, first of all, my personal experience is from a system. As a trustee sitting on the Metropolitan Separate School Board, I have one perspective; as a member of the board of directors of the Ontario Separate School Trustees' Association, I have a different perspective. But my experience is all within the separate school system. I certainly agree that we need to be very aware of the balance between administrative costs and direct service costs, the relationship between the two and how one helps the other.

My own experience, quite honestly, has been in separate school systems where in fact our administrative costs, we believe, are very spare and very frugal in relationship to, perhaps, the way other boards conduct their business. We work at that in a concentrated fashion. We have to; we don't have the resources to do anything differently. We do try to concentrate our services in direct service.

I agree with you: The resources need to go to the students in the best fashion possible. Not that you don't need administration—you need it for support—but there is a point of reason.

Mr Wiseman: My next question is going to take a little different tack. I came through the university system. I majored in history. I have a master's degree in history. I went to OISE to do my teaching certificate, and I was a little disappointed with what I received at OISE. I felt when I went into the classroom that perhaps I wasn't prepared in terms of having a good understanding of the level of education they were at and where I was at, and it came as a rude shock in terms of being able to change the communication strategies I had used for university to be able to teach in high school.

In terms of curriculum, we have a lot of problems: We have the multicultural situations that are developing; we have the integration of disabled into the system. Just how

do we restructure the courses at OISE in order to make the teachers better aware of testing, being able to test, interpreting the results, being able to work with the kids in order to make sure we identify early enough that they don't read or they don't write or they don't think at the levels that are necessary to move them through the system?

1110

Mrs Devine: First of all, the courses that are provided at OISE have to be in logical relationship to other courses that are provided, for example, in faculties of education. In both cases, it's critical for those who design the courses to be in contact with the reality of the world in the classroom. For example, you've mentioned the whole question of integration of special-needs students, which is the way we are going and I believe the way we should be going. But the attendant pressures and requirements that places on our classroom teachers, many of whom have not been trained for that type of experience, is great.

Educational institutions like OISE have to be in direct contact, probably through committee and through direct representation from front-line teachers, to know what these needs are and then to design courses which meet these needs. I think that's a need at the front end before teachers go into the classroom as new teachers. What we're seeing now is that because the rate of change in education is as great as it is—because of changes in population, changes in needs, changes in social structure—post-graduate studies, if you want to call them that, or continuing in-service, is becoming more and more important.

Mr Wiseman: In terms of the foundations of education, the very major, important foundation starts before students even get to the school. I believe it is comprised of what happens in the home environment, around a culture of learning that is created in the home, whether there are magazines or books or encyclopaedia or discussions or whatever takes place. In the absence of that learning culture in the home it makes it extremely difficult, if not almost impossible, for the education system to function.

Is there any way a culture can be created in the home prior to the student coming into the system? Have you given any thought to how that can be accomplished? To me, it's one of the most serious problems we're confronting, a negativity towards education, a negativity towards teachers and a negativity towards the system. Do you have any thoughts on that?

Mrs Devine: First of all, I'm not sure what the role of the education system is prior to the time the student becomes part of the education system when he enrolls in school. Certainly once the child is within the school environment it's beneficial all the way around for the school to make a concentrated and legitimate effort to involve the parents in the education of that child as much as possible. The whole thrust towards junior kindergarten is an excellent way of providing for children who don't naturally have a good home environment which promotes educational values to enter into that kind of environment earlier. I certainly agree with you that the home and the values held in the home and the emphasis put on skills such as reading and so on, communication skills within the home, make a tremendous

difference in the way children are able to progress once they do come to school.

The Chair: I'm going to have to cut you off there, sorry. Mr Bradley.

Mr Bradley: This is one of the appointments recommended by the association, is it?

Mrs Devine: That's right.

Mr Bradley: And they choose from whomever they see fit, quite obviously.

A question on teacher education; Mr Wiseman approached this question earlier. There's a dilemma out there of the number of teachers who are in the system, the number of people who are in colleges of education and the number of people who would like to be in colleges of education. Many of us who are provincial representatives are now getting calls from people saying, "My daughter" or "my son has exceptionally good marks, is a person who has experiences that would be conducive to being a good candidate for a college of education, but there is simply no room in that college of education."

My response in defence of the Ministry of Colleges and Universities—this is where I'd like to see if I'm saying the right thing—is that there aren't that many positions. At one time we allowed a lot of people into colleges of education and they couldn't get jobs in any event and they went somewhere else. I guess some of them have come back into the system. You would be familiar, I think, through the other hat you wear as well. Are we likely to see a crash need for a lot of teachers by the end of this century, which is only eight years from now?

Mrs Devine: I think there are several things happening. For one thing, the need at this point in time is certainly being tempered by budget restraints which are being placed on boards. I know, for example, in our own board, although we would normally hire 200 new teachers we would need at the beginning of the school year, we're hiring 25 or 30 this year. One of the reasons for that is specialized positions and resource teacher positions have had to be cancelled and these people are going back into the classroom.

In the short run, I think the budgetary crunch is decreasing the number of teachers we need. However, it's very true, as was mentioned earlier, that a large number of teachers are coming close to retirement age; from what I understand, there will be a period when there will be many teachers retiring. Depending on many things at that time, I don't think we really have any reason to believe that the population will be declining or the rate of needed service will be that much lower that that's not going to make a difference. I think it is going to make a significant difference. Probably within the next 10 to 12 to 15 years a lot of these teachers who all entered teaching at the same time will all be eligible for retirement and will be leaving us. It is coming.

Mr Bradley: One of the significant roles OISE has played over the years, despite its critics—there have been people who've even wanted to abolish OISE from time to time—certainly has been in the area of research into education.

You're a Metropolitan Toronto separate school trustee, so you'd see probably even more radical changes in terms of the components of the system than I would in St Catharines or Lincoln county. What new attributes will teachers have to have, aside from the one I thought you identified, which was very appropriate, and that was the ability to handle children who are being integrated into the system? What other components of a good teacher education program are we going to be looking at in the next several years?

Mrs Devine: I know best Metropolitan Toronto, and certainly the whole aspect of multiculturalism is one that teachers are going to have to be very much sensitized to, both in terms of knowing more about cultures and the meaning of various things within different cultures and how to appropriately react to children from different cultures within the school system. That obviously won't be an issue in the smaller centres in the province, but it certainly will be in the urban localities.

To me, it seems there are more changes—at least from what I can see—being considered for the education system in a very collapsed time point than I've been familiar with in many years past in many different ways. Perhaps in the past pre-service training and professional development days and some additional training may have been sufficient for teachers, but it seems to me that the whole component of in-service is going to have to be stepped up in areas such as curriculum when we're looking at the restructuring the government is proposing now. Certainly that's going to have a tremendous impact. For example, secondary school teachers who are working in a streamed model now are going to be faced with destreaming to some extent or other. It's a different way of teaching. Our secondary school teachers are not, to my knowledge, prepared for that. That's going to make a great difference and they're going to need the support to be able to do that.

1120

Mr Bradley: On that issue—I don't know whether it's a fair question or not, but when you have somebody who knows a lot about education, you like to tap that resource. On the issue of destreaming, there are proponents of it within the last government and the present government in the Ministry of Education or ministers of Education; there is some significant opposition to destreaming, completely opposed, within the membership of OSSTF as well as its leadership; and others would be in the category of being cautious about its implementation. Do you have any views on the ramifications of destreaming for our school system?

Mrs Devine: I think the ramifications are considerable. As a separate school trustee—or a trustee, period—I'm very well aware of the resource ramifications. I know, for example, of one of our high schools where someone is teaching mathematics in one of the pilot destreamed projects and is teaching within one classroom probably about 25 or 30 students. They're not basic, general or advanced level. They're the kids who would have been in one of those three, and they're all together in the same room and he's using seven different textbooks.

This is a lot of pressure on a classroom teacher who, as I said before, has not prepared at the secondary school

level as much as our elementary school teachers may have been to do this type of grouping and that kind of thing. Certainly the question of how many students can be taught in a classroom is coming from the teachers. If you're going to use a destreamed model, what should the cap on class size be so that the teacher can give the individualized attention that's required?

As a trustee, I come at it from the other point of view, which is, how much can we afford in terms of reduced class sizes? The concept of giving students the best possible opportunity to feel good about what they're doing and to experience success I think is the right one, and hopefully that's what destreaming will contribute to. But it won't work if we don't have the resources to make it work. That, I suppose, is what everybody's concern is about.

Mr Bradley: A final question. I have not been inside a classroom as a teacher for 15 years. With all the changes in education, what would be my chances of lasting more than a week in a classroom?

Mrs Devine: It probably would depend on which classroom you picked and how old the students were.

The Chair: Mr McLean, do you have any questions?

Mr McLean: Yes, I have some questions. Being that you're involved in the education field, currently a Metropolitan trustee—

Mrs Devine: That's right.

Mr McLean: Literacy is a great concern to me. I have often wondered why there are so many people going through the system, falling through the cracks. What happens and who evaluates the teaching profession?

Mrs Devine: Who evaluates the teaching profession?

Mr McLean: Yes, in your board.

Mrs Devine: Teachers are evaluated by the principal, and the superintendent in conjunction with the principal. We have an evaluation process and teachers are to be evaluated by their immediate superior—who is normally the principal in an elementary school; in a secondary school, it would be the department head and the principal—on an ongoing, annual basis in terms of their performance.

Mr McLean: What happens with a teacher who is incompetent?

Mrs Devine: I guess it depends on your definition of incompetent. If there are teachers who are struggling with a particular aspect of their teaching, the first thing that would happen is that supports would be brought in to assist them in improving whatever area that is. They would be monitored. Suggestions would be made. They would be involved in the process of drawing up those suggestions and would agree to the process along the way. Then their progress would be reviewed over a period of time and hopefully progress would be made and the process would continue until the problem was addressed.

There are situations—few that I'm aware of, but there are situations—where teachers are not able, for whatever reason, to make use of that kind of procedure and are not able, for whatever reason, to improve. Then you must go on to the next step. There have been teachers whose contracts have been terminated.

Mr McLean: Have there been terminations on your board because of incompetence?

Mrs Devine: Yes.

Mr McLean: We don't hear much about that.

Mrs Devine: I can speak from personal experience. I know where, on one board, it definitely has happened. As I say, it hasn't happened often. We have 6,000 teachers and I've probably seen six in four years as a trustee, but we're very concerned about having competent teachers in our classrooms and we do everything we can to help them to improve. It doesn't happen overnight that they are not able to teach with our board any longer, but there are some teachers who are perhaps better suited to another profession.

Mr McLean: In your opinion, why is the illiteracy rate so high?

Mrs Devine: I guess I haven't formed a definitive opinion on that. I think there are several factors. One question I still haven't answered for myself is the definition—I hear this terminology—of “functional illiteracy.” I think literacy is dependent upon the time and the place and the kind of literacy required to function within the workplace, so I'm not sure that what we're defining today as “literacy” is necessarily what we defined a few years ago. I'm not totally up on that but I've certainly heard things in that area.

I also think we must acknowledge the fact—and again I'm using Metropolitan Toronto as an example because it's what I know—that we are dealing with many students whose first language is not English when they come into our schools and yet when they go out into the workplace, by and large they are expected to function in English. It's very important for us to provide sufficient resources for these young people to become fluent and well equipped in writing, reading, computer skills or whatever they need, within the language they must perform in, so the whole multilingual, multicultural aspect, I think, needs to be addressed. These students can certainly achieve and achieve well, but they need help to do so.

The other thing, which was mentioned before, is that I think our culture has perhaps not as strong a value on education and the need for the family and other parts of the social structure to support children in their education as perhaps we have had in the past. None of that in any way is meant to excuse the education system by saying, “Well, we don't have a role to play here.” We most certainly do and we need to continue to find better ways of helping our students, no matter what their background, no matter what the difficulty, to come out at the end of it all as productive and literate.

Mr McLean: I would like to touch on the subject of discipline. Do you believe our school system is showing enough discipline?

Mrs Devine: Again it's hard for me to make global statements. I think discipline is extremely important. Students need to know what the rules are and to have them enforced. I also know that the way discipline given by schools, as reacted to by parents and the community, is quite different than what it was previously. That affects the kind and the amount of discipline schools feel empowered

to use with their students. We certainly have some work to do in that whole area.

Mr McLean: But as this came from the ministry years ago, do you think the ministry has made it so that teachers—I think teachers today have the hardest job ever because their hands are tied on so many things. I basically want to find out if their hands are tied too much.

Mrs Devine: There is still, within the Education Act, the ability to do what the teacher or the principal feels is necessary to maintain good order within their school. I guess the problem becomes, before any teacher or principal would take a disciplinary action, unfortunately—or fortunately; there's both sides to look at—they have to think through the ramifications. The ramifications today, quite honestly, may well be very different than they would have been, and what is acceptable to the general public or families is quite different than what it was in the past. Are their hands tied? No, they're certainly not legally tied. However, there are societal pressures the teachers have to contend with before they make a decision about how they're going to discipline.

1130

Mr McLean: Do I have a couple of minutes, Mr Chair?

The Chair: You have, yes.

Mr McLean: One final question: At the Ontario Institute for Studies in Education, what do you believe will be your function in serving on that board?

Mrs Devine: My particular area of interest is certainly in curriculum. I have children in the school system, I work very closely with our own schools and I'm very interested in the kinds of research that are being done in education in terms of outcome and resources necessary, that type of thing. If I were to pick an aspect of OISE that I am most interested in, it would certainly be in the curriculum that is being offered there for teachers.

Mr McLean: Thank you. I wish you well.

The Chair: That concludes the questioning, Mrs Devine, and thank you very much. We appreciate your appearance here.

Mrs Devine: Thank you.

JOHN SANDERSON

The Chair: Our final witness is John Sanderson. Mr Sanderson is the intended appointee as a member of the Ontario International Corp board of directors. He was selected for review by the government party. Mr Frankford will begin the questioning.

Mr Frankford: I notice that your background is in transportation.

Mr John Sanderson: Yes, it is, sir.

Mr Frankford: Could you share some thoughts about what Ontario would have to offer the world in the way of transportation?

Mr Sanderson: I guess I've been involved in one of the things myself. I was involved in a project through the World Bank, the Canadian International Development Agency and a Canadian-Ontario consulting company in

Tanzania. We travelled to Tanzania and I spent six weeks there doing research into operations of buses and trucks and highways and, to a lesser degree hotels and tourism for Tanzania. We made many recommendations for improvement of the operations, which were implemented and which assisted Tanzania in getting funds from the World Bank. But it was through Canadian consulting experience, and as a result Ontario firms, and Canadian firms as well, sold quite a pile of equipment to Tanzania in the process. I think that is the kind of service Ontario can provide to other countries in the transportation area.

Mr Frankford: I gather you would feel, using that as a precedent, that we should sell systems and expertise first and that manufactured goods come second.

Mr Sanderson: I don't necessarily believe in tying the sale of goods to those services, but I think knowledge of what's going on in projects that are under way in other countries would be communicated back to Canadian suppliers who aggressively go after the business. I think that's the way it should go. In other words, they should be competitive. It shouldn't necessarily be tied to other business.

Mr Frankford: If I can just briefly go into another area that I'm very interested in, I'm sorry you weren't here for the full morning, because we started off with Fred Griffith who is from Sault Ste Marie, and he described how the highly successful health centre that he was a major influence in building up over the years is a real magnet for consultations from all over, to see how a health system can work and be a model for less-developed countries and the US—although maybe that's an underdeveloped country in this respect since they haven't got anything like a national health system. Do you have any thoughts about how we could link our health system with the appointment that you're going to have?

Mr Sanderson: Clearly, there are many, many areas in the underdeveloped world where Canadian expertise in health services is already partly there, but where Ontario expertise particularly could be promoted and supplied to developing countries. It's not just health education but environmental education and general education, where Ontario universities and colleges have been very active in countries like Japan, Malawi, Zambia and a growing list of countries that have recognized our ability in the education, health, environment and agricultural fields.

I think the important thing is to recognize those opportunities, in the developing world particularly, come back and make our own service industries aware of these opportunities and then encourage them to get involved either with local consortia in these countries or with consortia from other countries to provide those services. Sometimes that takes a little financial encouragement as well to get them started, but quite often these projects become quite self-sufficient in due time. I think that probably the role of the Ontario International Corp is to find out about opportunities in other lands and then to encourage our service industries particularly to get out there and provide those services.

Mr Ferguson: Welcome to the committee. First of all, have you ever been a member of a political party or a supporter of a political party?

Mr Sanderson: No. I have voted actively for a number of parties and I guess I've been a member of two parties in the past, not a political member but a local supporter of candidates over the years.

Mr Ferguson: It's been suggested by the Ontario International Corp and some of its officials that the only way firms from Ontario can gain that competitive edge is by forming a consortium or doing a joint venture for companies or countries overseas. Do you have any thoughts on that?

Mr Sanderson: In one of our businesses we're involved in the international freight-forwarding business and we have found our greatest success has been to team up with local nationals in various countries. As a result of that, we have partnerships in South America, in the Far East, in Europe, in Africa and in Eastern Europe, where our development has been much more significant in providing transportation services to those countries by working with a local representative. It has worked and I think it's worked much more favourably than when we tried to establish our own office and deal on a firsthand basis with Ontario or Canadian people in those countries.

I sort of lean towards those kinds of local joint ventures with the customer countries rather than not working with them. I think it's been more effective. I guess if other countries are working with Canada as well, I would probably encourage them to make joint ventures with people in Ontario rather than just come in and try to relearn the world in Ontario. That would be my leaning.

Mr Ferguson: Could I ask one more question? Could you tell me how you became aware that there would be a vacancy or a possible appointment to this position?

Mr Sanderson: Certainly. I was contacted by a representative of the Ministry of Industry, Trade and Technology to see if I was interested in working on the board. The workings of the corporation were explained to me, which I was somewhat aware of from a previous life. I was interested. I am interested. I think, having travelled extensively in the world and done business around the world, there are opportunities we're missing and I believe I can assist the corporation in seeking out those opportunities. It came to me, I pondered it and I am interested.

The Chair: Mr Wiseman, there's time for a quick question.

Mr Wiseman: This question was actually posed to me by some small businessmen in my riding. I thought it was really quite an interesting question. Because they're so preoccupied on a day-to-day basis with the operation—and they're not big; they only have maybe 10 or 15 people working for them—they're sort of in the position where they have as much as this market can offer but they don't have the resources available to get into another market and then make the jump that's necessary to continue to have economies of scale.

How can small businesses become known to foreign buyers and therefore become big businesses?

Mr Sanderson: I think that's what this is all about. First of all, the objective of the Ontario International Corp is to seek out those people in Ontario who want to sell their services in other parts of the world and register them

so that they know, "I have this service and I want to sell it internationally."

Second, the corporation then, through its contacts and visits to other countries, determines what projects might be available, comes back and approaches those people who have expressed an interest in international sales or services and says: "Here's an opportunity. India wants to provide a hydro service or a new sewer service in Bombay. You've expressed an interest. Here's a project. How can we help you to get together and make this bid successful in Bombay?"

Whether it's a large or small company in Ontario is really immaterial. The main thing is to have an interest, not be sure about how to go about it and then find out more about it through the corporation and move on from there.

1140

Mr Grandmaitre: What has been your experience with the Canadian International Development Agency?

Mr Sanderson: I haven't worked directly with CIDA. CIDA was a cosponsor with the World Bank of a project that I worked on personally in Tanzania. It was a project where I worked as a consultant for six weeks in Africa with the Tanzania State Railway Corp, which provides railway, bus, truck and hotel services in the country. The service was in very substantially poor condition with broken-down vehicles, a lack of organization and yet a very highly trained workforce.

What we attempted to do in the study was put forth recommendations to make the trucking service more effective, quite a long-term CIDA-related project to make the railways more effective, and as well we made a number of recommendations for the hotel industry and the tourism industry generally. My part of it was chiefly the bus and truck operations and how to organize them in a way in which they could use their highly trained workforce in a better way and also to support their request for more modern equipment to run the operation, which we were successful in doing.

Mr Grandmaitre: The federal government is planning major cutbacks to CIDA for a number of reasons. It happened to be in Africa visiting a number of these CIDA projects.

The Chair: Mr Grandmaitre, I apologize. I won't stop your time here, but Mr Waters apparently has something relevant to add at this point.

Mr Daniel Waters (Muskoka-Georgian Bay): I'd just like to put on clarification that indeed Mr Sanderson is not only a member of the board but is also being put forward as the chair. Just so that, when you do your questioning, you realize that you're dealing with not only a member of the board but also with the chair. It was something that we were just getting clarified because it didn't appear that way. We had to go back through.

Mr Grandmaitre: Major change, major, major.

The federal government is planning major cutbacks on the CIDA programs. I agree with their reasoning. I think there are a lot of wasted dollars. In your mainly transportation experience, buses and trucks and so on and so forth, you know most of these countries don't have a decent road.

Why would we waste money on giving them expertise and busing and trucking when they don't even have roads?

Mr Sanderson: Tanzania has a fairly well-developed road system, although there are only a few major trunk roads linking its population.

Mr Grandmaitre: That's right.

Mr Sanderson: But the difficulties they have are that with the transportation system, outside of the road structure, there are occasions when people travelling for work in one area to another would be on a bus that breaks down and, with very little communication, might sit by the side of the road for three or four days until assistance arrives to either take them on to their work or supply a replacement bus, or whatever.

It's one of the reasons the agricultural systems, the health systems and other systems in these countries are breaking down and require so much money and help from other countries: The basic transportation structure has broken down. It's not so much the roads—the roads are passable and in some cases quite well-maintained—but the vehicle system structure and the organization need a lot of work and a lot of help. In many cases it's not a lot of dollars that are required; it's just a little bit of money and a little bit of organization and perhaps overcoming some of the political roadblocks that exist in some of these countries.

I think projects such as I was on can be very beneficial for very few dollars, most of which are provided not by CIDA but by the World Bank. It may be that there aren't enough CIDA people out in the field working on these things. There may be too many of them in Ottawa, but I don't know whether that's true or not. I know they are cutting back in Ottawa.

Mr Grandmaitre: In my experience with CIDA, again in Africa, the most serious complaint was that there was very little follow-up on the part of the federal government as to the success of these programs. You did mention that sometimes it takes very few dollars to obtain success, but I've seen hundreds of thousands of dollars being wasted—

Mr Wiseman: Millions.

Mr Grandmaitre: No, not millions. They were small projects.

The biggest complaint from some Canadians was that there was no follow-up on these programs. In other words, a program would take place in 1992 and in 1993 this project would be visited a second time and that project was non-existent; it was gone. People felt it was a waste of money. What are your thoughts on that?

Mr Sanderson: I guess I've seen waste in projects, but the purpose of the project I was on was to set long-term goals. Previously, money had been given to this country to upgrade its road structure and before the money could be spent in a general way, the money sort of filtered away and went into other projects, or wherever. The World Bank and CIDA jointly said, "We don't like this kind of money just disappearing."

My project was to set down a whole series of about 15 mini-projects that would take place over four or five years, and on completion of each stage additional funds and

additional support would be granted to go to the next stage. I really took one project and broke it down into about 15 segments and each one was dependent on the previous one having been done.

I've personally kept in contact with the people involved in this area and in fact it's taking place and the steps are being done and the improvements are being put in place. I haven't kept in touch with what CIDA and the World Bank are doing, but I know there are audit procedures as well. I'm satisfied personally that my work wasn't wasted and that something's been done and the amount of money being spent is relatively small.

Mr Grandmaitre: Good luck to you.

Mr Sanderson: Thank you.

The Chair: Thank you very much, Mr Sanderson. We appreciate your appearance here today.

Mr Sanderson: Thank you.

1150

The Chair: The next matter of business is a determination on whether we concur with the appointments of the witnesses who appeared today.

I want to bring to your attention the matter that Mr Waters raised about Mr Sanderson's appointment as both a member of the Ontario International Corp and as chair. We have some concerns that—and I think Mr Waters may want to comment on this—there was an oversight on the part of someone in respect to the certificate that was forwarded to this committee. We, under the standing order, have the authority to review the certificates given to the committee, and the order-in-council certificate did not indicate that Mr Sanderson was to be appointed as chair.

I support the clerk's view on this that we should defer the motion respecting Mr Sanderson, if it involves his appointment as chair, until next week so we can be assured that we are complying with our standing order. I don't think that creates any real difficulties. If we passed the motion as it appeared before us and appeared in the certificate today, he could be appointed as a member, but that gets into further difficulties about his appointment as chair, so I think it might smooth things over if we simply deferred it until next week.

Mr Waters: The reason that I was out and why I came in and did that was to allow some questioning, because I understand where the clerk is coming from, and indeed he knows better than I the rules of this place, but I just wanted to try to do it in such a way that we didn't have to ask the gentleman to come back again for another round of questioning. If indeed it takes a week's delay in order to do things correctly, then I don't see us necessarily having any problem with that.

The Chair: If we're in violation or exceeding the standing order, for example, and we think that perhaps the government can provide us with an additional certificate by next Wednesday, we simply do not have to call the gentleman back and we can do the approval. But we don't want to be in violation of a standing order; that's essentially the concern.

Mr Grandmaitre: I pointed out that maybe we should appoint Mr Sanderson as a member and simply receive a letter of intention or whatever from the secretariat saying that Mr Sanderson will be chair.

The Chair: That's a separate order-in-council appointment. We have some concerns here, and I don't hear any problem coming from the government members, either, in respect to deferring this for one week so we're sure about what we're doing and we don't cause more problems than we resolve. That's all.

Mr Wiseman: Let's do it according to the rules. That way, we're all safe.

Mr Ferguson: We don't want to generate any more paperwork.

Mr Grandmaitre: I was willing to accept him as a member now.

The Chair: I think everybody is, but that's not the problem.

Can we have one motion then in respect to the other intended appointees, Mr Griffith, Mr Courville, Mrs Devine, unless any member wishes to deal with them individually?

Mr Rosario Marchese (Fort York): I move adoption.

The Chair: Moved by Mr Marchese. Do we concur? All in favour? Opposed?

Motion agreed to.

The Chair: One final thing. The clerk is going to circulate a letter for you to take a look at, which is from the Kingston, Frontenac & Lennox & Addington District Health Council. It's a copy of a letter sent to the Premier expressing concerns about the review process and the concerns of one of their appointees who appeared before us some time ago and suggesting ways in which the process can be improved upon but from their perspective. So it's just something to consider, and we can perhaps discuss it at a future date.

Mr Wiseman: This second point, "that arrangements be made to pay the costs associated with the volunteer appearing before the review committee."

The Chair: It has been sent to the Premier's Office and I'm sure that Ms Pearson is aware of that comment. It ties into the problem we had again with the Ministry of Health with an individual appearing before us. But we think that whole question has been resolved. I'm getting a nod from Ms Pearson.

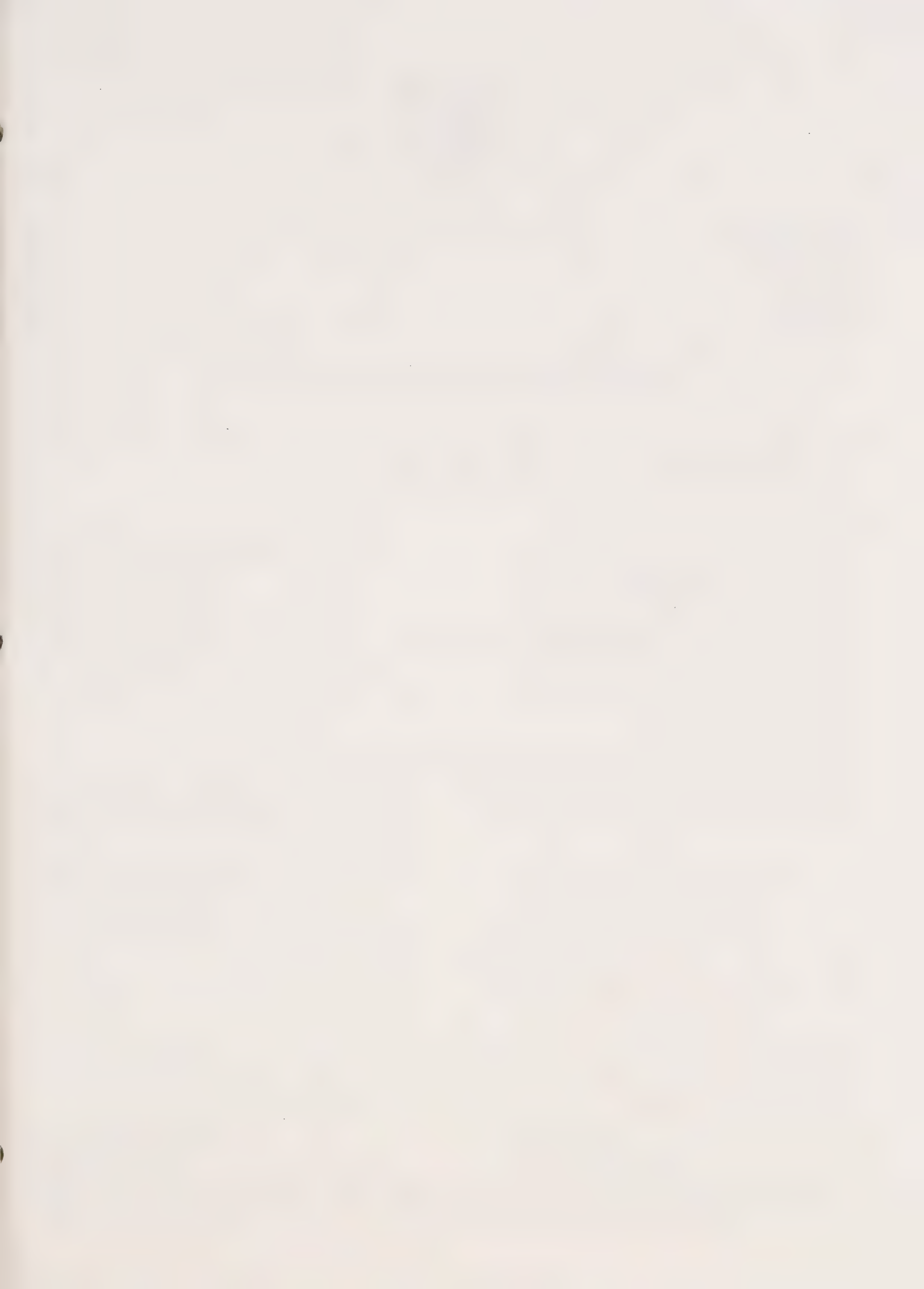
Mr Ferguson: Mr Chair, just very briefly: That raises a whole other set of questions. I think we have to recognize and maybe we have to make it very clear to the applicants, through the clerk, when they apply and they are coming before this committee, that we are a little more interested in the quality of the individuals rather than the knowledge base of the position that they are going to assume. I think it's taken for granted that individuals are not experts in any particular field. I wouldn't expect somebody sitting on the police services board, for example, or a district health council or any other number of agencies, to be an expert in that field and have all the up-to-date information of the latest-breaking events for that particular area.

I think it's very threatening for some individuals to appear here for the first time, and obviously this letter that we just received is indicating that. It can be an intimidating process for people to go through when maybe they just want to contribute to the health of their community by sitting on the district health council.

The Chair: I appreciate that. I'd rather not get into a lengthy discussion of it at this stage. We will certainly try to devote time to that. Maybe there's some way we can do that.

Mr Ferguson: Maybe we could communicate that to the individuals, with the concurrence of everybody: that we're more interested in them as individuals rather than what they know about the agency, board or commission that they're going to serve on.

The Chair: A fair statement. Meeting adjourned. The committee adjourned at 1156.



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Standing committee on government agencies

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Revised draft report

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Deuxième session, 35^e législature

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 24 June 1992

The committee met at 1010 in room 228.

APPOINTMENTS REVIEW

Resuming consideration of intended appointments.

MARILYN VATERS

The Chair (Mr Robert Runciman): I see a quorum. I'm going to call the meeting to order. We'll begin this morning's session with our first witness, Marilyn Vaters. Ms Vaters is an intended appointee as a member of the town of Penetanguishene Police Services Board. Welcome, Ms Vaters, to the committee. This is a 30-minute review. Your appearance here today is the result of a request by the Conservative Party, so I'm going to ask Mr McLean to lead off the questioning.

Mr Allan K. McLean (Simcoe East): Welcome to the committee.

Ms Marilyn Vaters: Thank you.

Mr McLean: How long have you lived in Penetanguishene?

Ms Vaters: Five years, sir.

Mr McLean: How did you become aware of the opening in the police services board?

Ms Vaters: I became aware through my neighbourhood, just in conversing with my neighbours. In general, I guess I led the way by saying I was very much interested in getting involved in my community, and I believe I have a great deal to contribute to that.

Mr McLean: What other involvement do you have in the community? Do you serve on any boards or service clubs?

Ms Vaters: In the town of Penetang, no, sir, I don't.

Mr McLean: I thought one of the criteria for the appointment to this position was taking into account the involvement an individual had in his or her community. Are you aware of any criterion such as that?

Ms Vaters: I was aware that I should have some involvement, but being in a new neighbourhood and being new in that neighbourhood, five years, and certainly not retiring yet but in the very near future, I was not prepared to get involved where I'd have to do something on a total part-time basis.

Mr McLean: Would you be able to attend meetings in the daytime?

Ms Vaters: Yes, sir.

Mr McLean: You work for McDonnell Douglas?

Ms Vaters: Yes, I do.

Mr McLean: Shift work?

Ms Vaters: No, on straight days.

Mr McLean: So you would be able to take a day off if you had a—

Ms Vaters: Yes, sir. I am office chairperson. I have a vice who fills in for me when I am not available, such as today, so I am able to take whatever time is required.

Mr McLean: Are you familiar with any of the other members of the police services board in Penetanguishene?

Ms Vaters: I know them as just in the neighbourhood, sir.

Mr McLean: You don't know their names?

Ms Vaters: Yes, I do.

Mr McLean: What are they?

Ms Vaters: I know Shawn Stewart and I know another person by the name of Mike; I don't know his last name.

Mr McLean: Is there anything specific you would like to see that board do that maybe it's not doing now?

Ms Vaters: At this time, not being inducted on to the board, no, I wouldn't want to commit myself. I would like the opportunity to be able to get involved and certainly do a certain amount of investigation as to what I would see at that time.

Mr McLean: Do you have any idea how many policemen there are in Penetanguishene?

Ms Vaters: I believe it probably is close to six.

Mr McLean: Do you have experience in the budgetary process where you're working now, as far as budgeting goes?

Ms Vaters: We would only have that through part of our negotiations, collective bargaining, where we really get involved in it. I do have it in another former role I played at the local union level—the executive board level—being the third-highest officer. Yes, I'm involved in that.

Mr McLean: I'll pass for now, Mr Chair.

Mr Daniel Waters (Muskoka-Georgian Bay): When you were talking about being able to get off work, it says in your CV that you're a full-time chairperson, so I assume you work full time as a representative of workers.

Ms Vaters: Yes, I do.

Mr Waters: That's why you're available. I represent the riding beside Penetang, the town of Midland; I know we have a problem and Penetang has the same situation. I would like your opinion on it. We have a situation with Oak Ridge and Penetanguishene Mental Health Centre and there are some special needs in the community. Do you think the police services board should be working to help work those special needs through? We have these people who come out of the institution as citizens of the world yet there's very little in those two communities for them. That's what I'm getting at.

Ms Vaters: My belief has always been, in that type of situation, that all people should be working together so we have these people involved in our community, able to get back into society and perform normally.

Mr Waters: I would like to talk to you about the Lewis report. Mr Lewis just came down with a report talking about the use of force and reporting and training. I would like to know your opinion on training of police officers; whether municipal or OPP I think is almost irrelevant. How do you feel about training, ongoing training or the initial training we give officers? Do you think it's adequate? Do you think we should be doing more?

Ms Vaters: My belief is that we should always be doing more training, sir, in every aspect of our lives. Definitely, as far as the police go, yes, I believe that as it's their number one priority to serve and protect us all, training has to be an ongoing commitment for the police officers of any police services.

Mr Waters: So do you feel the province should set down provincial standards that, say, every X number of years an officer should requalify for the use of a revolver and be upgraded on a regular basis, I guess at some college or something like this, on how to deal with the new technology in policing?

Ms Vaters: I believe when it comes to the use of firearms that, yes, there should be ongoing training. If you want to get into a time period—I am fairly unqualified at this point, not knowing the whole scope of everything, but my judgement would be that there should be training done at least once a year in the use of firearms. If you have that, then you can take a look at everything that has been documented through the training and perhaps upgrade the training so it can get better as the years go on.

Mr Waters: Thank you. I'll pass to Ms Carter.

Ms Jenny Carter (Peterborough): It seems to me you've followed your own precept on this. You have a very active trade union background; you've been taking courses and training and doing this kind of thing yourself. Could you tell us something about your background that is relevant to this post that would make you a well-qualified person to be on the police services board?

Ms Vaters: I have in the past and continue to sit on various committees. I believe I am conversant with various things such as employment equity, pay equity, collective bargaining, and have as chairperson also been able to administer into those committees.

1020

Ms Carter: So you have a lot of personnel background dealing with people and their job situations and that kind of thing?

Ms Vaters: Yes, I do.

Ms Carter: You mentioned pay equity, and of course there's that question and there's the question of job equity, of having the different elements in the population represented in workforces. How do you feel about that in connection with the police? Do you feel we need to make sure there are more women, more people from different cultural backgrounds and so on?

Ms Vaters: I think the police should have representatives, be it women, aboriginal people or visible minorities. Yes, there should be representatives. It doesn't help just the police; it helps the community in general.

Ms Carter: What is the position now? Is there just one woman police officer on the local force?

Ms Vaters: Yes, I believe so.

Ms Carter: Out of how many?

Ms Vaters: Perhaps six.

Ms Carter: Perhaps six. So we should be looking at a little more equality there. What kind of effect do you see having more female police officers on the way policing is done? For example, one thing that's been a problem in the past is domestic calls, when police have been called to some kind of dispute maybe between a husband and wife and they haven't really been able to do very much. What do you feel about that kind of situation?

Ms Vaters: As far as a woman's involvement as a police officer is concerned? If there are domestic disputes or abuse of any sort, there has to be training given to our police officers so they will be conversant in being able to handle this type of situation, whether they be women or men.

Ms Carter: So you see training as being a means of broadening the attitude of police?

Ms Vaters: Very definitely.

Ms Carter: Which I think is what we're all looking at at this time.

Mr Bernard Grandmaitre (Ottawa East): How would you describe your police force?

Ms Vaters: In Penetanguishene?

Mr Grandmaitre: Yes.

Ms Vaters: I believe they do a very good job at this time. However, I think we can all get better through proper training.

Mr Grandmaitre: How can they get better? Explain this to me.

Ms Vaters: With proper training, make them more aware of different situations, perhaps using different techniques.

Mr Grandmaitre: Are you saying they're not up-to-date?

Ms Vaters: I'm not saying that at all. I'm saying I believe they do a good job, but there is always room for improvement within each and every one of us.

Mr Grandmaitre: What is the relationship between the youth population of Penetang and the police force? Do you think there's a good relationship between them?

Ms Vaters: To the best of my knowledge, yes.

Mr Grandmaitre: Do you think city council politicians should have more of a say in the wheelings and dealings of the police services boards?

Ms Vaters: That's an excellent question. It would be a little difficult for me to answer yes or no at this point, the reason being that first of all I'd have to be able to sit down and have an overall view of everything to make a proper judgement. At this time I'm not on the board, so I don't think it would be right for me to make a judgement call.

Mr Grandmaitre: Then let me give you an example. Your total budget is set at \$120,000 for 10 uniformed officers. If I'm not mistaken, the only two municipal

representatives are your mayor and the reeve. Salaries are 80% or maybe 90% of all police budgets. Municipal taxpayers are paying for these salaries and have very little to say when it comes to budgeting. In other words, when the police services board introduced its budget, municipal council was not involved in the drawing up of this budget. Do you think it is fair that municipal taxpayers would pay 90% of their total budget and have very little input into this budget?

Ms Vaters: I think they should be working together. To ask me whether it is fair or unfair, at this time I really don't know. They should be working together on this type of issue.

Mr Grandmaitre: Any female officers on your force?

Ms Vaters: I'm not absolutely sure.

Mr Grandmaitre: Thank you, Mr Chair.

The Chair: Any additional questions? Mr Cleary.

Mr John C. Cleary (Cornwall): Thank you for your presentation, and welcome here.

Many municipalities have some volunteer police auxiliary. Does that exist on your police services board: volunteer people to help the police, volunteer auxiliary police?

Ms Vaters: I don't know that I'm qualified to answer that question until I've reviewed everything and am able to answer appropriately.

Mr Cleary: Maybe I could ask how you would feel about having volunteers. Would you support that, or do you still not want to answer? It works very well in areas.

Ms Vaters: I think I'd be going against some of my own grain if I said I didn't totally support it, my son being a volunteer firefighter up there.

Mr Cleary: That's right.

Ms Vaters: I think I'd have to say that it may be a positive way of looking at serving and protecting all of us. I would be somewhat supportive of it at this point, without knowing all the details.

Mr Cleary: Thank you.

Mr McLean: I have a further question, Mr Chair. One of the criteria in selecting members for the police service boards is: "We are looking for individuals who have good standing in their community and have a record of community involvement. The individual should be aware of the concerns and values of their community as well as a confirmed commitment to the guiding principle of the Police Services Act. The individual must also be committed to performing all duties including receipt of training. Police service boards should reflect the composition of the local community." Do you fulfil those criteria?

Ms Vaters: I believe I would, sir.

Mr McLean: I had asked you previously what community involvement you have had, and you indicated you didn't have any.

Ms Vaters: Not in Penetanguishene, sir. I have in Mississauga over the years.

Mr McLean: Thank you, Mr Chair.

The Chair: Thank you. That completes the questioning, Ms Vaters. Thank you very much for your appearance.

1030

PAUL BURNS

The Chair: Our next witness is Mr Paul Burns, who is the intended appointee as the chair of the Farm Tax Rebate Appeal Board. Welcome to the committee, sir. Your selection was made by the official opposition, so Mr Grandmaitre will begin the questioning. It's a half-hour.

Mr Grandmaitre: Thank you, Mr Chair. Mr Burns, you've been a long-standing member of the board and I'm sure you've witnessed the changes with the tax rebate program. Do you think the present program is responding to the needs of farmers?

Mr Paul Burns: Yes. Given the economic circumstances of the day, I think that by and large farmers are satisfied with it. I know it isn't quite as good for farmers as it was when it was 100%, but 75% isn't too bad.

Mr Grandmaitre: Seventy-five is close enough. But farmers are faced with some very difficult decisions: Should they sell the farm, quit farming, because of our difficult times? Do you think the the tax rebate program should be changed to help farmers in a better way? Do you think the program needs to be fine-tuned? How would you improve it? Now that you're the boss, you're the chair, how would you improve it?

Mr Burns: It's beyond any power I might have if I'm the chairman. Of course, we're talking about an appeal board. But looking at the program as it has been, it started out I think at 25% and over the years went to 50% or 60% and then to 100%. Then, because of budget cutbacks, there was a change in 1989 for one year only, and there proved to be so many different aspects of the program as it was in 1989 that made it very difficult to deal with that it required changing again. I would like to say yes, put it back up to 100%. That would help farmers; definitely it would. But given the times of constraint, I think it would be almost an impossibility. I think farmers would be satisfied if the program could stay as it is. That would be my answer to the question.

Mr Grandmaitre: Back in 1989 when I was Minister of Revenue, I met with just about every farmer in the province. They weren't too satisfied with the farm tax rebate, and at that time they had given the government a number of options: For instance, if we were not willing to improve on the percentage, the 75%, then allow farmers to sever their land and so on and so forth. Do you agree with this severance—not policy, because it's not a policy. But most farmers today want the opportunity to sever their land. Do you agree with this?

Mr Burns: I've had considerable experience in that field over the years and there's no easy answer to that question.

Mr Grandmaitre: Just your thoughts.

Mr Burns: I've got a lot of thoughts, but I haven't got any clear thoughts.

Interjection.

Mr Grandmaitre: It's part of the farm tax. You don't know, Dan. It's very important. Maybe you should listen to

the chairman. Now that you're in control, you're going to tell the government: "Look, 75% is good. Don't touch it. It's working. We're satisfied."

Mr Burns: I don't think that is within the powers of the Farm Tax Rebate Appeal Board.

Mr Grandmaitre: You're the leader, you're in charge of the agenda.

Mr Burns: Yes, that's for the appeals we're looking at. From time to time we have been asked to give our input or our recommendations, which our committee has done in the past, but we're in no position to tell the government what to do.

Mr Grandmaitre: You're not the only one. Even the elected people don't tell the government what to do. Good luck to you.

Mr Cleary: How long have you been on the board?

Mr Burns: Five years.

Mr Cleary: So this appointment will be for another—

Mr Burns: A year, as I understand it.

Mr Cleary: A year at a time. I'd like to continue from what my colleague was saying. Right now the farm tax rebate is year to year. Some farmers don't even know what they're going to get this year, or even if they do, they ask us questions on it. Would you figure that the 75% should be a permanent thing and forget about it, or do you think there should be changes later on, keep everyone up in the air?

Mr Burns: I think there has been enough time over the past spent reviewing it and looking for ways to improve. The 75% was I think a compromise after a committee reviewed the whole thing. Most farmers I talk to would be quite happy if it stayed as it was. As you just mentioned, I think they would like the security to know that it is going to stay there. Until recently, we didn't know what it was going to be for 1992.

Mr Cleary: I think you're right. I would hope a recommendation would come from you that it would stay at the 75% and then farmers could think about long-term planning.

Do you get a lot of appeals from developers other than farmers who have agricultural land leased or rented?

Mr Burns: Particularly since 1989 we have had a lot of appeals from people who are, shall I say, part-time farmers or dabbling in farming to some extent. Yes, a lot of the appeals are that type of appeal.

Mr Cleary: How much has your workload increased since the changes were made in 1989?

Mr Burns: We had a tremendous workload as a result of the changes in 1989, and we've pretty well worked through that. That crisis from 1989 and all the extra appeals that were generated we've pretty well worked through, back to a point where we're more or less looking at a normal number again.

Mr Cleary: You would be happy if it stayed at the 75% as it is now; you think your workload would decrease, and you'd be happy with that?

Mr Burns: Yes. I'm only speaking for myself, but other members of the board I think would feel the same

and—I am a farmer of course—from other farmers I've talked to throughout the country I think they would be happy with it.

Mr Cleary: Thank you very much. Good luck.

Mr McLean: How many appeals would you handle in a year?

Mr Burns: At present we're probably doing an average of about 25 or 30 per meeting, and under usual circumstances we would have a two-day meeting once a month.

Mr McLean: What would the majority of the appeals be pertaining to?

Mr Burns: Now that we're getting the 1989 part levelled out again, a lot of the appeals we're looking at right now are deadline issues, the appeal being received for various reasons past the deadline date. Other appeals are in regard to the gross production.

Mr McLean: Qualifying.

Mr Burns: The qualifying.

Mr McLean: Would that be substantial?

Mr Burns: It could amount to 25% of the appeals.

Mr McLean: How many would you have who were not designated as farmers but thought they were and wanted to get in under the farm tax rebate program?

1040

Mr Burns: I suppose there are over half of them for sure who actually don't qualify. We dealt with some, which I would like to see more of actually, which were as a result of a random audit that was conducted by the ministry. If anybody was asking for any advice I might give, that is one of the things I would say—that those random audits be continued. They can be done at very little cost and probably could save the province a fair little bit of money.

Mr McLean: In 1986 the residence was not part of the tax rebate percentage of 75%. Seventy-five per cent is on the land and buildings but not on the residence. Is that correct?

Mr Burns: Yes, that's right now.

Mr McLean: In essence the farmer is not getting 75% rebate then on his whole property, is he?

Mr Burns: That's true. He's actually getting 75% rebate on the actual farm buildings other than his residence, plus the land.

Mr McLean: And with today's taxation, as it is now, the farmer has to pay all his taxes and then apply to get the rebate.

Mr Burns: No, that's not true.

Mr McLean: Has that changed?

Mr Burns: That changed in 1987. Now you are eligible for the rebate without paying your taxes.

Mr McLean: Once a year or twice a year?

Mr Burns: It's once a year. In 1988 there was a two-stage rebate, and that was the only year. That policy changed in 1987, the first year you didn't have to have your taxes paid in order to receive the rebate.

Mr McLean: Today farmers are paying their taxes by instalment four times a year.

Mr Burns: Yes.

Mr McLean: When can you apply for your rebate?

Mr Burns: The application papers would usually be received by the farmers somewhere around October 1 in that fall period. Then you can, if you wish to, immediately send them back. But as far as I know, as it has been in the past, for 1992 you would have until December 31 of 1993 to submit your application.

Mr McLean: Yes. But what I started out to say was farmers have put in their taxes for the year before they apply to get it back.

Mr Burns: Yes.

Mr McLean: Why couldn't there be a portion which, each time they pay, would be what their share would be and the municipality would then apply for a rebate?

Mr Burns: We don't have any authority under this, of course. What I'm just offering is only a suggestion that if you wish to consider ways to get the money to the farmers sooner, instead of sending the rebate applications in the fall months you might consider sending them in June or May or whatever.

Mr McLean: This could be a recommendation to the government that that could happen. I'm a farmer too. I don't run it; my son runs it.

What year were you warden of Addington?

Mr Burns: Lennox and Addington. That was in 1975.

The Chair: Mr Waters, then Mrs Carter.

Mr Waters: Gee, Al, still farming after all these years.

Mr McLean: I'm going to stay there till I lose it all.

Mr Waters: I understand you've been without a chair for two or three months.

Mr Burns: Yes.

Mr Waters: So there must be a backlog.

Mr Burns: A couple of weeks ago there were 140.

Mr Waters: Is this going to create any problem?

Mr Burns: If necessary, instead of having two-day meetings we will have three-day meetings until we get them caught up fairly well to date.

Someone asked me what type of appeal we're dealing with. Many of the appeals are not appeals that are going to amount to a lot of money. We saw some of those as a result of the hard times we had in the 1980s when you had to have 60% of your taxes paid before you could receive your rebate. We considered back in those years some of it where the people really needed the money, but there are very few that are pressing at the present time.

Mr Waters: Following on Mr Grandmaitre's line of discussion, I think what he was trying to get out was, would you feel comfortable, as chair, making recommendations about improving the system to the minister?

Mr Burns: I would feel comfortable if the ministry asked us to make recommendations. I think it's a little beyond what our board was intended for if we start making recommendations without being asked, but we certainly would be happy to make recommendations if we were asked.

We have been asked in the past. Yes, we have been asked on at least two occasions while I've been on the board.

Mr Waters: If the minister—let's say today—asked the question, what recommendations would you make to improve the system or the lot of the farmer in the province?

Mr Burns: At the present time, as I said earlier, it has been reviewed enough times that I don't think we really have anything that we could say. You know, we see some things that sometimes appear to be unresolved and we wonder if there isn't a better way, but it's sometimes hard to find a better way.

Mr Waters: I understand the committee is made up of regional representatives.

Mr Burns: It's made up of a group of farmers from across Ontario.

Mr Waters: Yes, and you have what, another one or two openings, but you can function without those?

Mr Burns: Yes. If the board was at full capacity it would be seven, and much of the time we've been carrying on with five. I guess it's a backlog in the appointment process or whatever.

Mr Waters: This is a board that hears appeals. It does not try to set policy or inform the ministry of policy. There are set criteria, and the chair and indeed the board are there solely for the purpose of making sure that the appeals are heard under those criteria.

Mr Burns: Yes, we are given some leeway in appeals that are not set down. For instance, we cannot differ from what the order in council states, but we can give some variation to decisions that are not specifically outlined in the order in council.

Mr Waters: Okay. That would be all the questions I have at this moment.

The Chair: Mrs Carter has departed. Is there any other member of the government party who would like to ask questions?

Mr McLean: Do I have a minute left?

The Chair: Yes, you do, Mr McLean.

Mr McLean: Mr Burns, why couldn't you make a recommendation to the ministry, as we had discussed earlier, that perhaps those qualified farmers could apply, say, the first of June for their farm tax rebate? You said you had no recommendations at this time. Why couldn't you make one that would indicate that perhaps the farm tax rebate should be sent out at an earlier date?

Mr Burns: I suppose there isn't any reason why we couldn't make that recommendation, but as I said earlier, I feel hesitant to make recommendations until we're asked. It's outside what we're looking at. We're looking specifically at reasons why someone has not received rebate moneys. We don't have any appeals that deal with, "We think the rebate should be more," or that sort of thing. We don't have any of those whatsoever.

Mr McLean: So the recommendations you made earlier were on the request of the ministry?

Mr Burns: Yes. It may have been informal. The supervisor may have come in and said, "By your next meeting

or within two meetings we would like you to give some thought to ways that you think government policy could be improved in regard to farm tax rebates." We have had input in the past into that.

Mr McLean: I would suggest that there's one. Thank you.

1050

Ms Carter: Sorry, I had to go out just then. I wanted to ask you a little bit more about yourself. First of all, you said you've been on the board for five years. Are you the only person who's been on the board for that long?

Mr Burns: There is a lady who has been on for the same length of time.

Ms Carter: I see. So there are just the two of you with that degree of seniority. Are the others relatively new?

Mr Burns: One lady, I believe, has been on for two and a half years. One member was recently appointed. As I recall, I think he has only been appointed for two meetings, and I understand that another person is coming on the board at our next meeting.

Ms Carter: I see. So they really needed somebody like you with the background.

We've heard already that you were warden of Lennox and Addington, could you tell us some of the other involvements of that kind? Obviously you're very busy as a farmer, but you seem to have had lots of energy to spare to do other things.

Mr Burns: I got into local politics at a fairly young age and was first elected to township council in 1965. I was on council for eight years and was reeve for our township for 10 years and retired without being thrown out, thank heavens, in 1982.

Ms Carter: That's Sheffield township.

Mr Burns: That's Sheffield township.

Ms Carter: Right. You've been active as a farmer, lecturing at meetings and involved in the Soil and Crop Improvement Association.

Mr Burns: Yes.

Ms Carter: And what else?

Mr Burns: I'm a beef farmer, actually, and I've had some involvement with the Lennox and Addington County Cattlemen's Association, but not much with the Ontario Cattlemen's Association. I only attended the conventions as a voting delegate, but I've had involvement since I got out of local politics in 1982. I've been involved with our own local Lennox and Addington cattlemen's association and was president of it for two years.

Ms Carter: Okay. Thank you very much.

The Chair: That concludes the questioning, Mr Burns. Thanks for travelling here today, and we wish you well.

Mr Burns: Thank you.

SHARON GRAHAM

The Chair: The next witness is Sharon Graham. Ms Graham is an intended appointee as a member of the City of Sault Ste Marie Police Services Board. Welcome to the committee, Ms Graham.

Ms Sharon Graham: Good morning.

The Chair: We're going to begin the questioning with Mr Grandmaitre.

Mr Grandmaitre: I'm going to start with the same questions as our previous candidate. How would you describe your police force in Sault Ste Marie?

Ms Graham: It's a very active community-based police force, I believe. On one of the groups I was on, Chief King and I were talking about the amount of involvement and they are involved in 144 different committees within our community. We've talked about coordinating the meetings that have to do with drugs, because we have about nine or 10 groups that are all focused towards prevention of drugs—Say No to Drugs—various groups that have components in the city. That's one of the things we're looking at trying to coordinate, that there's a head group so the time of volunteers who act on those particular boards is cut back but they are still serving the same groups of people and the needs.

Mr Grandmaitre: Do you have community policing in the Sault?

Ms Graham: We have many examples of community policing.

Mr Grandmaitre: I mean different precincts, the new approach to policing.

Ms Graham: One thing we hadn't seen in a long while is that we see them back out on the street. One thing they have tried that I saw in the paper was switching part of the workload for one officer between the OPP and the city police to get a better understanding. We have many jurisdictions right outside of Sault Ste Marie that belong under the OPP jurisdiction. That type of innovative policy, they feel, will help further down the road. I believe they have just finished with one of those matches and it was quite successful.

Again on the community policing, we had a police fair in the community for police week in the mall and there were 27 agencies involved in that particular police week.

We have an open forum at our city council every Monday night at 6 o'clock. The local police are quite often there and very visible in our community.

Mr Grandmaitre: So you're telling me that there's a good relationship between city council and the police services board.

Ms Graham: City council, police and the rest of the agencies. Over the years I've run into the police chief on various committees. One of the things we all worked on in our community was a one-stop area for people in need to go to. Chief King and I were on the same wavelength at one point about five years ago in that we felt we didn't want places where the young folk came in one door and then were sent somewhere else. We felt we would lose them in the transition from one physical location to another so we wanted it all under one roof. We're very pleased that, through some funding from the Ministry of Community and Social Services, we have opened up a community information centre, which has attained one of those goals that we were working on in our community about five years ago.

Mr Grandmaitre: You seem to know your chief quite well.

Ms Graham: No, I don't. I know him from committees. I guess where I worked most closely with him was on the Roberta Bondar homecoming on security. We just had the Ontario Theatre Festival in Sault Ste Marie, the first one in 25 years. It was their 25th anniversary. I was pleased to be doing the opening ceremonies with the Lieutenant Governor so of course I had to work closely with the police on the volunteer end on the security.

Mr Grandmaitre: In looking at the composition of your police force, do you think the employment equity program really worked in the Sault?

Ms Graham: Without having investigated it, I would say we're probably light on the aboriginal input. That's an area we're working on all over.

One of the groups I'm with is business and professional women. We had a guest speaker from the Ontario Federation of Labour and she talked about employment equity for the police as a good example of a workable program. I have not investigated that because I'm not on the board yet so I am not privy to all that kind of information, but I respect this person's opinion and she feels it's a workable program.

Mr Grandmaitre: One last question: How did you find out about this vacancy?

Ms Graham: The mayor actually asked me last year some time. During the Roberta Bondar thing, the police chief asked if I was interested. He said, "I keep asking around the city and your name keeps coming up." Mr Malpass, who just came off, I worked with on the community action team, which was the team that got together in our community for the saving of Algoma Steel.

Mr Grandmaitre: Good.

Mr Cleary: Do you have an auxiliary police force and volunteers?

Ms Graham: We have lots of volunteers. I know there are the police cadets, and one of the fellows is very careful to say it's nothing to do with the police. They seem to be wherever there is crowd control and stuff like that. I heard you ask the other lady about the auxiliary, and I know they are a component, but I don't know how large a component.

Mr Cleary: Would you support that?

Ms Graham: I support volunteerism all the way through, as long as it does not interfere with bargaining unit work or with positions that are already there. I see the trend with our economic downturn. I think if somebody retires, that's still a position to be filled, but if there's something new that does not qualify as a workplace and volunteers can be a part of it, that's great. I think volunteers greatly enhance whatever groups are working on. Volunteers are your liaison to the rest of the community. If you don't have that, I think everybody works in isolation in their own particular area, so I do support volunteers. Just how far that goes is another question.

Mr Cleary: I take from what you said—as long as it didn't interfere with other positions—that you would be in

favour of other positions more so than you would be in favour of saving the taxpayers' money.

Ms Graham: That's a catch-22, how I answer it. I'm damned if I do and I'm damned if I don't.

Mr Cleary: That's why you're here.

Ms Graham: That's right. I definitely want work positions in the community because the more full-time jobs there are in the community the better the economy is based in that community. But keeping in mind the taxpayers' dollar, I don't think you create a position just for the sake of creating a position. There has to be some merit to it.

Mr McLean: From your résumé I see you've certainly been substantially involved in your community. You appear to be aware of the police services board. I want to ask you a couple of questions. How many female officers would there be?

Ms Graham: I would guess perhaps eight; I'm not sure. I do know, and I'm quite proud of it, we have had our first police constable woman retiree. I am on the Plummer Memorial Public Hospital board as well and we had a joint 75th anniversary and policemen's ball, and she was there. That was the talk, that she was retiring. So it's nice to have seen somebody in our community who has been around for a long time. She's one of the leading edges of women involved in the police force.

1100

Mr McLean: Super. I would presume you were one of the recommendations of the mayor and council.

Ms Graham: Yes.

Mr McLean: I know many other councils have made recommendations and yours is the first one I've observed that we have dealt with. There may have been others that we haven't dealt with, but you're the first one we have dealt with.

Sault Ste Marie is on the water. Is your police force involved in water safety as far as policing the water is concerned?

Ms Graham: There is an aspect of that, and this goes over to the other gentleman's community policing. They also work with Neighbourhood Watch, with the police on the other side, so there's some kind of mechanism, a program that crosses that bridge that crosses the waters, but I'm not fully aware of the details on that.

Mr McLean: Does the Sault Ste Marie force have a boat?

Ms Graham: I've not seen it, but I know it was around. If it wasn't them, it was the Coast Guard. There was something involving a dispute with Algoma Steel and there were police on the water. I seem to remember it in the paper, but no, I'm not aware of that.

Mr McLean: I have a question I'd like to ask. You're probably not aware of it, but is there any licensing of boats involved in that channel?

Ms Graham: Yes, there is. That's a great bone of contention right now about the licensing of the boats when they cross the waters, the type of duty they're going to

have to pay and the marina there. But in terms of the police board, no, I'm not familiar with that.

Mr McLean: Are you saying people who own boats in the Sault or anywhere that go out into that waterway have to have a licence?

Ms Graham: I don't know if it's a licence or if there's something about crossing into the waters on the other side, that invisible line.

Mr McLean: It could be federal or something.

Ms Graham: Yes.

Mr McLean: I don't have any other questions. You have a good résumé and I wish you all the best.

Ms Graham: Thank you. One comment I'd like to make is that the mayor originally had promoted me to apply for this position, but then when Mr Malpass actually did move on, then I applied through our local MPP and it came through that area as well. So it's been two recommendations.

Mr Robert Frankford (Scarborough East): Is crime and policing a big area of discussion in Sault Ste Marie?

Ms Graham: It sure is. I've been on the Legal Aid Review Board for six years. Understandably, with the new guidelines, if I am appointed to this, I will be coming off that. One of the areas of real concern is that two or three years ago our young offenders numbers were about 340. Then the following year it was about 380 and this last year it was about 800. So we have a real concern with the young offenders. The downturn in the economy is causing some really grave concerns in the area.

That's one of the reasons I want to be a part of the police services board. As vice-chair of the United Way now, next year I'll be chair and involved with 28 different agencies. I feel I can be a great liaison through the community, though a lot of the members, through Big Sisters, and some of the people who are the victims and some who are the offenders. So I'm in a unique position and that's one of the reasons why I would like to get involved further. It is a key area in our community.

There's just been a new report released, and I don't even know if you folks have it in Queen's Park yet, through the Algoma District Health Council. It shows that the income level in Sault Ste Marie is 23.4% lower than the rest of the median for Ontario. With those kinds of statistics coming out, you can be sure that break-and-enters and other types of crimes are going to be on the increase. Our police knew the statistics, obviously, before they came to our health council, and you could tell by the amount of media coverage on Neighbourhood Watch and Crime Stoppers and stuff like that, there's been a real push to have captains in Neighbourhood Watch and so on. That's the type of area. It's been on talk shows etc, so it's very high-profile in our community.

Mr Frankford: The young offender statistics: Is that the area of growth or are there others?

Ms Graham: Drugs. We're on the water and there've been a few drug busts and drug rings broken up. One of the things I found very disturbing that has come out is that we have a higher median of mental disorders. I think that has to do with a lot of culminating factors that play on their

emotions and bring them into a different set of circumstances. So there's a high number of mental problems surfacing in Sault Ste Marie.

Mr Frankford: So you really are directly correlating these crimes and police problems with the economy?

Ms Graham: Oh, yes, definitely.

Mr Frankford: Have you had any thoughts about how you would like to allocate or reallocate police resources when you're appointed?

Ms Graham: The awareness of the community: One of the things I keep saying on the hospital board is that we should have a printout, when somebody walks out that door, of how much it has cost them to come in there so that there's an awareness process. The more people are aware of how much things cost—for example, we have this beautiful waterfront that's been built and the other day these three kids were sitting there throwing rocks at it. My first reaction was to holler at them to stop. My husband went over and sat down and talked with them and asked how things were going and why they were doing that. Did they realize how much it cost? Did it matter to them? He put it in relation to their skateboards and stuff like that.

I think part of our community policing too is strongly into the education system and going into the school. If youth is part of the problem, I'm probably going to look at targeting how much breaking down a door costs and relate it to something that the kids can relate to.

Naturally, they're not the only offenders here, but that's an area. I think we have to look at prevention rather than trying to clean it up once it's happened, so we have to look more at the younger area. So that's what I would look at trying to do. When you go on the police services board, there's a committee there, and you have to work with what you have. But that's one of the thrusts that I would be looking at, more education.

Mr Frankford: Obviously Sault Ste Marie is in the process of reconstructing its economic base. Are there ways in which its actual urban reconstruction, let's say, could produce safer neighbourhoods or give kids something more positive where they're not just hanging out unsupervised? Do you see anything happening there?

Ms Graham: I have to show you something that just happened in April. I live on a street where we had a community street cleanup. They call it Scrounge Day, and it made the front page of the paper. The reason it made the front page of the paper was it says, "Grace Street, normally home to drug addicts, motorcycle gangs"—and so on—"has cleaned up." We had the kids and we did 50 houses and three parking lots, and that made news because it is normally an area that is fraught with a lot of problems. The fact that we did this got in the paper.

Then, when I went to city hall to make a presentation on medicare, my neighbour down the street was doing something on the environment, and another neighbour was doing something on another aspect of the environment. So there were three people, three citizens from this street that is known as the fire capital. That shows our community is working together. Then about two weeks later, things

cropped up in other areas where other neighbourhoods got together and cleaned up their neighbourhood.

That was the first time we did it, so we're going to make it not just an annual event; we're going to make it a biannual event. On our own neighbourhood street, I'm looking at getting permission to block off the street and have a block party where the kids are all involved and getting to know your neighbourhood. There's a neighbour in my area and the only time he's away is when he's in jail. My way of dealing with that is to get him to help with the block party.

Mr Frankford: Thank you.

The Chair: Mr Waters.

Mr Waters: Sharon, I'm looking at this and I'm amazed. Here is a person I've known all these years and there's a whole new life laid out here before me. I should have had your curriculum vitae long before now.

I notice that you're active with the Business and Professional Women, and I wanted to ask about that.

Ms Graham: Oh, that's wonderful. I think if you read the Business and Professional Women's handbook, it is a lot in line with what labour is. It's interesting—and this is all perception. Truth does not evoke behaviour; perception does. I could say something when I was president of the labour council that would completely get wrecked in the press, and I could say the same thing as first vice-president of the Canadian Business and Professional Women and it's accepted. It depends who you're talking to. They have a lot of the same policies, and on the leading edge of employment equity is where we've done a lot of work with the Business and Professional Women.

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Mr Waters: I never knew. I'm going to ask one other question. I hate to put you on the spot, but I'm going to do it.

Ms Graham: Okay. You like doing that.

Mr Waters: That's the casino issue. If indeed it goes ahead, do you see, for both the police and the police services board, a major spin that you're going to have to put on it? That's if indeed we go ahead with casinos and Sault Ste Marie should get one. Do you see a need in changing the way policing is done, or an increase?

Ms Graham: If casinos go ahead in Sault Ste Marie, as part of the police services board I'll be going after the province for more money on a few areas.

Mr Waters: Thanks a lot.

Ms Graham: On a few areas. I believe 80% of the funds of the casino across the river in Michigan come from Canadians. I believe that with the cutbacks in all the ministries, there are people falling through the cracks who need professional counselling. As a community activist and someone with Business and Professional Women, one of the avenues I'll personally be pushing, and trying to get the groups that I'm with promoting, is that if casinos go in our area, we want a commitment from the government of so many counselling positions at the start, not when the problem comes. I believe some of the first people at the trough for assistance will be those who are falling through

the cracks with regard to drug- and alcohol-related things having to do with the economic downturn.

Mr Waters: Thank you, Sharon. It's nice to see you again and as always you did a wonderful job.

The Chair: Thanks very much, Ms Graham, for appearing here today.

Ms Graham: That's it? Thank you.

The Chair: I wish you well.

Members of the committee are aware from the agenda that Mr Harrigan, who was to be our fourth witness, was again unavailable. I'm not really sure what we want to do about that as a committee. That's two occasions he has not been able to attend. We can request a delay or let the appointment go through, so I'm looking to what the committee's wish is in this matter.

Mr Waters: I believe Mr Harrigan is a selection of the government party?

The Chair: That's right.

Mr Waters: Unless the other two parties have a problem with him, why keep having this hanging over our heads?

The Chair: That's fine.

Mr Waters: But I think we should make a note that when we ask for somebody to come in for a review, we would appreciate it very much if they did come in at the same time, just to be fair on this.

The Chair: I think we can also appreciate that Mr Harrigan is an extremely busy man and it simply wasn't possible, I gather. I think his reasons were quite legitimate.

Mr Waters: But I can't see holding up the appointment any longer from our side.

The Chair: Anyone have any problem with that? Okay, we will let it flow through, then.

We've got a couple of more items on the agenda. I wanted to add one since we're a little early, if I don't have any objections. We'll deal with the concurrences and move on. I'll bring it up at that point, but we should have a motion to concur with respect to the witnesses who appeared before us today, with the appointments moved by Mr Waters. Any discussion?

Mr McLean: I want to just say briefly that this last witness we had here today will be a total asset to her community. She has been involved. She is so involved that she's going to add to that board. The first one we had had no involvement in the community. Surely there have got to be people in that community, and the town council recommended some people, who would have added greatly and been a good asset to that community. I find it tough to sit here and see that these people we're interviewing are totally there because of certain reasons that we're all aware of.

The Chair: Mr McLean, are you suggesting you want to vote on these individually?

Mr McLean: Yes.

The Chair: You can make that request.

Mr McLean: Yes, I do.

The Chair: All right. What we're going to have to do, then, is look at individual motions. Mr Waters moves Ms Vaters's appointment.

Mr Waters: I want to get something in in response to Mr McLean.

The Chair: We could do that on this. If any member makes a request to do them on an individual basis, we can discuss them individually.

Mr Waters: Okay.

The Chair: Do we have a motion to concur with Ms Vaters's appointment? Discussion?

Mr Waters: I think you have to be fair on it. When it comes to Ms Vaters's appointment, you're looking at a person who's moved into the community within the last five years and who was active in her previous community. She demonstrated that her family is already active. She's trying to get active. If you don't allow these people to be appointed, how do they get a history of being active in the community? She indicated that her son is already on the volunteer fire department. She wants to be active on the police services board. What more does the member expect of someone who has been relocated from one community to another?

The Chair: Anything further?

Mr Grandmaitre: I agree with Mr McLean. Let's face it, we were told this committee was to appoint the best possible person or persons. I find some of the candidates—and I agree with Mr McLean. I think the last candidate was an excellent candidate. I'm sure she'll be an asset to Sault Ste Marie. But I don't agree with you when you say we have to accept people like Ms Vaters to give her experience. I'm sure there must be people in Penetanguishene who are very interested in serving, are serving and have been serving their community for years and years and would love the opportunity to be part of the process.

We are not giving these people who have been volunteers for years and years an opportunity. Maybe that's one of the reasons I don't vote on these things, because I don't believe in the process; I think it's a fake. This is not the place to carry on but here's another perfect example of—she may be a great person but I don't think she'll be an asset to Penetanguishene. I'll be voting once; I'll be voting against that candidate.

The Chair: Hopefully this will have had two opposition comments, two responses, I gather, from the government party and then perhaps we can move on.

Mr Will Ferguson (Kitchener): I just want to point out to the members of the committee that being involved in every particular community, church or social group in one's community isn't necessarily a prerequisite for serving that community on the police services board, district health council or any number of agencies that operate. The position of this committee ought to be whether there's a glaring reason why the individual shouldn't have the opportunity to serve at the local level as an appointee of the province. Indeed, if you want to take the argument to its most logical extension, I think most of us could argue that perhaps the

best, brightest and most talented individuals serving the Legislature in fact were not elected on September 6, 1990.

Mr Grandmaitre: We're elected; we're not appointed.

Mr Ferguson: I don't see any glaring reason why this individual should not have the opportunity to serve.

Mr McLean: Very briefly, your criteria, laid out by the government—we're looking for individuals in good standing in the community who have a record of community involvement. Now, the answer is there; nothing more to be said. You'd know she had community involvement previously or not and the answer was no.

The Chair: All right. Do we have a motion on the floor from Mr Waters to concur with the appointment of Ms Vaters? All in favour? Opposed?

Motion agreed to.

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The Chair: We require a motion to deal with Burns and Graham. Do we want to do the two together? Any problem with that? A motion to concur with Mr Burns's and Ms Graham's appointments?

Mr Waters: So moved.

The Chair: Moved again by Mr Waters. Any discussion? All in favour?

Motion agreed to.

The Chair: We need one further because, as members who were here last week recall, the problem with Mr Sanderson was that the certificate only had Mr Sanderson listed as a member and not as chair. We've now had that corrected, so we need a motion to concur with Mr Sanderson's appointment as a member and chair of the Ontario International Corp.

Mr Frankford: So moved.

The Chair: Moved by Mr Frankford. Any discussion on that? All in favour?

Motion agreed to.

REVISED DRAFT REPORT

The Chair: Before we break, we have several matters we'd like to finalize. We've had the TVO report approved. The Eastern Ontario Development Corp report has been approved. We now have in front of us the Brockville Psychiatric Hospital draft report which we discussed a couple of weeks ago. The suggestions that were made at that time have been incorporated by our researcher. We could take a couple of minutes if there are any concerns. If not, perhaps we could approve this. David, do you want to highlight the changes?

Mr David Pond: The recommended changes appear in shaded dark print, mainly beginning on page 10 and then again on the bottom of page 11. I'll take you through this very quickly if you like.

On page 10 and earlier on page 2, I simply make note of the fact that since the board appeared before the committee in January, as Mr Runciman pointed out two weeks ago, there has been quite a turnover in membership. I've checked with the secretary to the board and in a way the board is in a bit of limbo right now because it only has five

members. They're looking to get new members. I just make a note of that in the middle of page 10.

At the bottom of page 11, the new phrase in the recommendation is as a result of a suggestion by Mr Bisson. He pointed out that the ministry was reviewing long-term care and support services in Ontario. This may very well have an impact on the role of community advisory boards. He wanted that put in.

At the bottom of page 12, the new paragraph, again the notion was that perhaps all community advisory boards could benefit from the expertise of their local district health councils. That's why that paragraph is there, and the recommendation at the bottom of page 12.

Moving along to the middle of page 13, the first paragraph in shaded ink, again there was a suggestion from the government side that perhaps when this board tries to attract former residents to the board, it should try to get more than one so that a single former resident on the board wouldn't feel isolated or perhaps intimidated by the other members who are quite likely to be professionals.

In the paragraph beneath that, the notion was that the Ontario Public Service Employees Union ex officio representative on the board now should be able to have greater input into the board's discussions since, after all, he or she would represent the employees. They are sort of the front-line experts on how the hospital works. But the suggestion was that the rule should be that such a representative shouldn't have voting rights when it comes to labour relations issues because that might generate a conflict of interest or the appearance of a conflict of interest.

On page 14, the second recommendation in shaded ink is a modification of the original recommendation. The idea is to foster a dialogue between the Ministry of Health and the community advisory boards, that the community advisory board would be kept up to date on Ministry of Health thinking and policy.

Finally, at the top of page 15, the first sentence of the recommendation is new. Again, the notion was that perhaps, given the fact that the community advisory board's budget and resources are provided by the hospital, there needed to be a review as to whether there was some mechanism by which the board could be more institutionally independent of the hospital. That's it.

The Chair: Any questions on that? I think it pretty well meets the requirements we asked of David. Can we have a motion to adopt this report?

Mr Grandmaitre moves that the report be adopted and reported to the House.

Motion agreed to.

The Chair: Before we leave, there are a couple of more things. David, were there other matters that we wanted to incorporate in the report from other agencies?

Mr Pond: As the Chair already mentioned, you've now approved three: Eastern Ontario Development Corp, TVO and this one. Also, the last time there was a suggestion we incorporate into the next report the memo on agency responses to committee recommendations dating back to 1988.

The only suggestion I had was, would you like to direct us to prepare for your final approval and for publication a report on that now, or would you like to wait until the committee has reviewed and approved other reports and other agencies? The reason I put that to you is it may be some time before you get the opportunity to review and approve draft reports on other agencies.

The Chair: My view on that is that we should wait, because I don't think there's any great urgency to report on this matter. We have the three reports we've approved and we can get them tabled before the House rises for the summer.

Mr Pond: Is that what you want to do?

The Chair: That's my own personal view. I don't see any problem with waiting. There's no great urgency to any of those other matters.

Mr Pond: Do you want us to prepare a traditional, bound report? Okay.

That's it.

Mr Grandmaitre: Have we completed the Ontario Municipal Board review?

The Chair: That's what we're going to talk about at subcommittee: our summer sittings, what we want to request for time and what we want to do with that time.

The committee adjourned at 1128.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

- ***Chair / Président:** Runciman, Robert W. (Leeds-Grenville PC)
- ***Vice-Chair / Vice-Président:** McLean, Allan K. (Simcoe East/-Est PC)
 - Bradley, James J. (St Catharines L)
- *Carter, Jenny (Peterborough ND)
- *Cleary, John C. (Cornwall L)
- *Ferguson, Will, (Kitchener ND)
- *Frankford, Robert (Scarborough East/-Est ND)
- *Grandmaitre, Bernard (Ottawa East/-Est L)
 - Marchese, Rosario (Fort York ND)
 - Stockwell, Chris (Etobicoke West/-Ouest PC)
- *Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)
 - Wiseman, Jim (Durham West/-Ouest ND)

*In attendance / présents

Clerk pro tem / Greffière par intérim: Freedman, Lisa

Staff / Personnel: Pond, David, research officer, Legislative Research Service



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Wednesday 15 July 1992

Standing committee on government agencies

Subcommittee report
Appointments review

Assemblée législative de l'Ontario

Deuxième session, 35^e législature

Journal des débats (Hansard)

Mercredi 15 juillet 1992

Comité permanent des organismes gouvernementaux

Rapport de sous-comité
Révision des nominations



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Clerk: Douglas Arnott

Président : Robert W. Runciman
Greffier : Douglas Arnott

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 15 July 1992

The committee met at 1008 in room 228.

SUBCOMMITTEE REPORT

The Chair (Mr Robert W. Runciman): Can we come to order, please. I see a quorum. The first item on the agenda is the report of the subcommittee on committee business that's attached to your agenda. Do we have any questions with respect to this or any discussion? If not, we'll move on to the next matter on the agenda.

APPOINTMENTS REVIEW

Consideration of intended appointments.

NANCY SMITH

The Chair: Our first witness, an intended appointment as chair of the Ontario Housing Corp board of directors, is Nancy Smith. Ms Smith, Welcome to the committee. Ms Smith has circulated an additional page with her curriculum vitae. I think all members have copies in front of them. Ms Smith was selected for review by the Conservative Party and we'll begin the questioning with Mr McLean.

Mr Allan K. McLean (Simcoe East): The first question I have is, have you been involved in the housing authorities?

Ms Nancy Smith: Not directly, sir.

Mr McLean: Do you know any of the members who are on the board of directors of the Ontario Housing Corp?

Ms Smith: Do I know them?

Mr McLean: Any of them?

Ms Smith: I'm aware of their names. I know the member from Ottawa, who is Joan Gullen, and I know the present chair, Mr Gerretsen, through my work with the Association of Municipalities of Ontario.

Mr McLean: Do you believe the qualifications you have for this position—this is the proposed chair. You haven't been on the commission and you're being proposed as chair. Do you feel you have the qualifications to carry out the duties as chair of that corporation?

Ms Smith: Yes. I think my experience in chairing other bodies and my experience with planning and development, particularly redevelopment of a major municipal non-profit project in my area, is directly relevant, Mr McLean, and I think the other area I would mention is my work in social services over the past 11 or 12 years. I think it's extremely important for different government departments and agencies to work together. Particularly in social services, I've had a major role in encouraging various departments and services to cooperate.

Mr McLean: Did you apply for the position or were you asked to apply?

Ms Smith: I submitted my résumé to the public appointments secretariat and applied in that way. I think you'll find

in my résumé I have identified two particular areas, planning and development and social and community services.

Mr McLean: How did you hear about the opening of the position?

Ms Smith: I was asked to attend an interview.

Mr McLean: So you were asked to apply for it.

Mr Smith: It's my understanding that one way of applying for appointments is to put your application into the public appointments secretariat. I was encouraged to do that by my local MPP, Mr Grandmaître, and also by the government minister for the area.

Mr McLean: Thank you. I'll pass for now.

Mr Will Ferguson (Kitchener): Could you just very briefly tell the committee why you're interested in this particular position?

Ms Smith: I think there are probably two or three reasons. One, I'm convinced that housing is an absolutely critical factor in people's ability to cope, to change other things in their lives that are problematic, and that without adequate housing, nothing else seems to work for people, regardless of what programs they have access to.

I think in terms of personal motivation, I'm always attracted to something where it's possible to make a difference for people. I think the other area is from my background in, particularly, planning and development and social services and community work. I think it's a real opportunity to put those things together in an integrated sort of way and make a difference to a lot of people in this province. I think it's quite an opportunity.

Mr Ferguson: I'm wondering if you could advise the committee on what your views are on tenant involvement in public housing.

Ms Smith: I think of it as self-management, if you like, and I think it's something that can be difficult to make happen. It's something that requires ongoing feeding and watering, if you will. Without tenant involvement, I don't think we can solve many of the problems that have been identified in various housing projects, whether non-profit or private sector, and I think things like tenants' associations are extremely important in that. I'm thinking of everything from minor maintenance to dealing with the changing social composition of Ontario Housing and other tenant bodies, increasing the number of refugees and immigrants, for example, among our tenants.

I have a fair amount of experience in my own area with establishing and, as I said, feeding and watering tenants' associations. I think the only way tenant involvement will continue is if the corporation and the staff have a strong commitment to that and make sure it continues to happen.

Mr Rosario Marchese (Fort York): One question that is important to me in terms of understanding how we

begin to deal with many of the problems OHC experiences—problems of crime, drugs, rehabilitation and repair of buildings, security problems, race-related issues and simply management of these problems—is, what is your recommendation or idea about how we deal with a lot of these ongoing problems in a way that begins to address them in a sustained manner? Perhaps drawing from your experience would be useful.

Ms Smith: As I just said in response to Mr Ferguson, I think tenant involvement is key, but as well, personally, I think the corporation and the housing projects have to reach out to the surrounding community. The surrounding community has to be involved with the tenants. They have to become an integral part of the local community. A number of those things are already being done; for example, sharing community facilities, offering the use of a community room to a group of people who don't necessarily live within the housing corporation.

Staff training and development is critical. Things have changed and the staff have to have an opportunity to change to meet the new challenges. I think the built form is much more important than people appreciate. The type of the landscaping—the space in the project has to belong to somebody. It has to be clearly defined as belonging to either this apartment or this building or this community group, so that every spot and every unit and every place in the building has somebody who feels it's his area to look out for and to look after.

I think it's a matter of integrating a lot of things, both social and physical, about the housing corporation that will make those things improve. It's not going to happen overnight. The speed of change is really quite overwhelming. I think it's a very big job, but I think a lot of projects are making a good start on it in small ways and I hope I can do something to encourage that at the corporate level as well.

Mr Jim Wiseman (Durham West): I didn't quite hear who it was who suggested that you should put your application in.

Ms Smith: I put my application in to the public appointments secretariat.

Mr Wiseman: Who suggested it?

Ms Smith: It was suggested to me by two MPPs in my area, the Minister of Housing, Evelyn Gigantes, and my own MPP, Mr Grandmaitre.

Mr Wiseman: Bernard, you will not live this down. I guarantee it.

Mr Bernard Grandmaitre (Ottawa East): I'll make a note of that.

Mr Wiseman: I'm really interested in your concept of innovative infill where it says that you "negotiated zoning to provide high-density ground-oriented housing in an essentially derelict area close to downtown" and that this "resulted in an addition of perhaps 300 new private sector units and the stabilization of this important residential area." How did you do that? If you can tell me, I would like to know what kind of units resulted, what the density is and its orientation to the other urban plans and so on. I am really interested in how you managed to do that.

Ms Smith: This is an almost feudal area of Ottawa with about 90% of the land owned by one family of long-standing in the community, the Morrison Lamothe families, I guess I should say. There had been a lot of demolition in days when there was no demolition protection. If I recall correctly, roughly 60% of the area was in fact vacant from demolitions of housing stock that dated from perhaps the 1880s. In addition, there were some industrial properties that were part of that area.

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It's been redeveloped at roughly 40 units to the acre; ground-oriented walk-up units where everybody has his own entrance, by and large. I believe those were the first units of that type in Ontario. This was 1981, 1982. We in fact down-zoned it from high-rise, which would have permitted perhaps 160 units to the acre. Two things were key: One was that there be something in it for everybody, and the other was that once we had an agreement with the major land owner and the neighbours and the community association and the National Capital Commission and the city of Ottawa, we move instantly to get the bylaws approved.

In those days there wasn't an automatic approval if there were no objections. We got the bylaws through in four and a half months, which I think was critical. People shouldn't have a chance for second thoughts.

The other thing that helped, I think, was that the economy picked up. This was during the recession, 1980-81, in that time. The economy picked up immediately afterwards. The property was all unloaded on the market almost instantly, and in fact it was redeveloped within about a year, so that it moved very quickly from the thought in people's minds to actually seeing the buildings on the grounds, so I think speed is important as well.

I think a certain singlemindedness in the elected representative is also helpful. You need to have a very clear eye of where you're going and get there quickly to successfully manage a project as complicated as that, where you don't really have much control over what's going on.

Mr Wiseman: You mentioned the destruction of the previous buildings from the 1880s. What about the heritage nature of that area?

Ms Smith: Let me be a little blunt about it. It was inhabited largely by immigrants and people working for the two bakeries and a dairy in the area. If it had been a slightly wealthier area, if the buildings had hung on a little bit longer, I think it would have been designated as a heritage district. I remember picking up square-cut nails from the demolition. They really were ordinary but very beautiful buildings.

The Vice-Chair (Mr Allan K. McLean): Thank you. Time has expired; I'm sorry about that. Mr Grandmaitre.

Mr Grandmaitre: Mr Chairman, maybe I should declare a conflict of interest right off the bat.

Mr Wiseman: Oh, good. Can I have his time?

Mr Grandmaitre: Mr Chair, when you were on this side of the table, you asked Ms Smith how familiar she was with the Ontario Housing Corp and she very modestly said, "Not much." But I can tell you that Ottawa-Carleton is very fortunate in having Ms Smith, who was a regional

councillor for the city of Ottawa for a good number of years. I know that, especially being recommended by me, she'll be an excellent chair.

Ms Smith: I know you've done a good deal of promoting. You've been an advocate of non-profit housing, co-ops and affordable housing in Ottawa-Carleton. I know in the last five or six years the provincial government has been trying to have municipalities get more involved in non-profit and affordable housing, but they are reluctant to get involved in such projects. Do you think legislation should be imposed on municipalities to provide non-profit or affordable housing? Do you think it should be imposed because they're not willing to come forward?

Ms Smith: So your thought would be that every municipality would have to have a non-profit housing corporation, as, for example, the city of Ottawa does?

Mr Grandmaitre: Right.

Ms Smith: No, I don't think that makes a lot of sense. I think municipalities should be encouraged. They are a very good delivery agent for community-level housing. When it works well, you have very good local input and involvement. Your local elected people are quite accessible, and I think it can work quite well. But something like housing needs, if you like, the willing consent of those running it to make it work well. It would be very difficult to think of a successful approach where it would be truly imposed.

If the government wanted to pursue that avenue, the best way to do it would be to work with the Association of Municipalities of Ontario and other municipal bodies to come to some agreement with the municipalities. For example, I think it's in Peel—I'm sure somebody will correct me if I'm wrong—that the municipal housing corporation has in fact taken on the Ontario Housing Corp units in that area. So there are a lot of municipalities that might well be interested, but there's nothing like imposing something to make it unpopular.

Mr Grandmaitre: I remember when Chaviva Hošek was Minister of Housing and we introduced a piece of legislation requiring municipalities to impose on developers that 25% of all new units be non-profit or affordable or whatever. It didn't work too well. Municipalities were very reluctant.

Ms Smith: Yes. As a development requirement, essentially through the Planning Act, I don't think the 25% is unreasonable. I say that based on experience in Ottawa-Carleton, where under the fairly broad definition of affordability that currently stands the local development industry is in fact already supplying quite a bit more than 25%. I don't remember the exact figure. I thought 25% was low and the affordability guidelines were rather broad, but I think the current amount is not unreasonable and ought to be meetable.

If nothing else, I think the development industry is finding that it's unable to sell some of its units in the higher price range. That is moving a lot of them to work with municipalities and other planning bodies to come up with more affordable units, particularly ownership units.

Mr Grandmaitre: Developers are, again, reluctant to get involved in affordable housing. They like the condo-

minium type of construction and single units or single housing. Do you think this government should improve or put more money into the subsidy of public housing, the rent supplement program? Do you think we should spend more money and enter into some kind of contract with existing units, instead of managing or operating our own projects? Do you think we should get involved in more rent supplement or enlarge the rent supplement program?

Ms Smith: Right now, the mix is roughly 20% rent supp and 80% owned by Ontario Housing Corp. Practically speaking, I think we probably need to continue with a mix. I think it depends on the local area.

If your problem is simply affordability, rent supp makes a certain amount of sense. But my experience is the problem is usually affordability plus availability and I don't think there's any solution to availability except providing at least some units through the various non-profit routes. I think a mixed solution, locally tailored, is what's going to continue to be required. There are some local housing authorities with almost no rent supp and the high-end is probably getting up to 28%, something like that.

1030

The Chair: Mr Cleary?

Mr John C. Cleary (Cornwall): No.

The Chair: Mr McLean, you have some time left.

Mr McLean: There are a couple of questions I'd like to follow up on, as I realize the knowledge you have with regard to housing. My colleague Mr Grandmaitre raised the issue of the cooperative housing movement. Regarding the certain number of units at the top rate and some at different various rates according to the income of the individual, the problem I see happening is that the upper-rate apartments are not being rented. In some cases, they are higher than what's on the market outside of the corporation. What are you going to do to try and solve that problem? I know of about 30 units in one municipality at the upper rate that are sitting there vacant.

Ms Smith: Perhaps to clarify, it's my understanding that the chair of the corporation will deal with the units actually owned by the province, plus the rent supp agreements. The co-op units per se are in fact handled by another part of the ministry, so I wouldn't be directly involved. It's a difficult problem. The same problem arises in other government services, where it's delivered with some at full fee and some at a subsidized rate. The problem is that you overprice it for the market. The argument on the other side is that you should charge the real full cost and not have any hidden subsidies.

Personally I think the particular co-op corporation involved should be free to alter those rents within a bit of a range as long as the overall outcome of money for the project is the same. So if they're sitting there empty for six months at \$800 a month or whatever, I don't think anyone is further ahead. If they could rent them at \$750, all of them, obviously everybody is further ahead. Picking a bit from my experience in other service areas, it seems to me that that should be, within a limited range, a possibility for the non-profit corporation.

Mr McLean: Some flexibility.

Ms Smith: Some flexibility. I don't think it can be enormous because, as I say, you have the problem of the public money having been put in and I think you have to be concerned about concealed subsidies.

Mr McLean: But they don't appear to have that flexibility, from what I have observed.

Ms Smith: I believe you're right. I think some flexibility would be warranted. As I say, it would be outside my direct area.

Mr McLean: I'm calling on your expertise in that field. What would we have to do to change that, to allow them to lower the rent, say, \$100 a month? These units sitting there have to be heated; it's costing everybody money, as you say.

Ms Smith: I think I would require a greater knowledge of the inner workings of the housing bureaucracy than I have at the moment, Mr McLean. I'm not clear at what level that would have to be changed. It may be just erasing a regulation in a book, or it may require a policy change at a higher level.

Mr McLean: Do you ever think the day may come when we will be subsidizing the individual instead of the apartment, those that are in great need?

Ms Smith: That's kind of like asking if we are going to integrate four government departments. Based on my federal and municipal experience, I don't think we'll ever get to that. That would be almost a guaranteed-annual-income scenario. Personally I don't think we're going to get there. I hope we can see a more simplified administration of all benefits, because at the moment, whether it's day care or general welfare or housing subsidy, it's really quite a mystery to most of the people who are either recipients or service providers. So I think simplification is reasonable. I think a subsidy that is totally attached to the individual is highly unlikely.

Mr McLean: I wish you well. Thank you for attending.

The Chair: That concludes the questioning, Ms Smith. Thank you very much for your appearance here.

Ms Smith: Thank you, Mr Chairman. I appreciate the opportunity.

THEODORE JEWELL

The Chair: The next witness is Theodore Jewell, who is an intended appointee as a member of the Town of Kapuskasing Police Services Board. Mr Jewell, welcome to the committee, sir. Just for the edification of the members: We received some correspondence from the town of Kapuskasing in respect to this appointment and all members received it, I hope. Our clerk also made this available to Mr Jewell this morning, so that he's aware of it and has, I gather, had an opportunity to review it.

Mr Theodore Jewell: Yes, I received a call.

The Chair: You were selected for review by the official opposition, the Liberal Party. We'll ask Mr Grandmaitre to begin the questioning.

Mr Grandmaitre: This is a new services board and there's been a lot of talk in recent months about the

possibility of amalgamating the Kapuskasing police force and the OPP detachment, your next-door neighbours, for five municipalities. From the newspaper clippings and the information I've received, you don't favour such an amalgamation.

Mr Jewell: I have never commented on it.

Mr Grandmaitre: You were never asked?

Mr Jewell: I have never commented on the subject. I'm aware of it in the sense that I have been told that such a thing may be in the offing, it's being considered, but beyond that I have never commented on the subject.

Mr Grandmaitre: Then what are your thoughts on the possible amalgamation?

Mr Jewell: Any plan which is ill-conceived, badly set forth or hasty, leading to hasty action, I'm unwilling to go along with. Nevertheless, if such a plan were set forth and presented to the board, were I appointed I'd be willing to look at it; but beyond that I have no opinion on it, mainly because it's never been advanced beyond the proposal stage.

Mr Grandmaitre: But as a former mayor for 10 years and having chaired the police committee, you must have an idea of what that possibility is and what it would look like once in place, I'm sure.

Mr Jewell: You're quite wrong. May I give you this assurance: that upon occasion when I have come to Toronto to these police governing authorities' meetings, there was some talk then of small municipalities hiring or contracting the OPP to provide the services within the community. It is not clear what this precise plan is which you have mentioned.

I do know that at that time there was much concern within smaller municipalities on two accounts. One was that the costs began very reasonably and the services provided were quite adequate. As time went by, these smaller municipalities at that time found the costs escalating beyond their expectations, sometimes beyond their means to meet them. They also found that sister municipalities also wanted the same contract or a similar contract with the OPP, with the result that the OPP services were spread far and wide.

That's the only consideration I've given to it, but there is no hard and fast plan at Kapuskasing to my present knowledge to do any such thing. I know it's been mentioned as a possibility, but beyond that it doesn't carry much weight at this time. It may later, but not now.

Mr Grandmaitre: Do you think it's fair that in your own municipality of Kapuskasing you're having budget difficulties and the possibility of this amalgamation of police forces is costing you quite a bit of money, yet your next-door neighbours are receiving free OPP police services? Do you think this is fair?

Mr Jewell: Do I think what is fair? Could you be a little more specific, please?

Mr Grandmaitre: It's costing your people—

Mr Jewell: Some \$900,000 a year.

Mr Grandmaitre: Absolutely, \$1 million, while your next-door neighbour is enjoying the same services and

those services are being paid for by 10 million people in the province of Ontario. Do you think this is fair?

1040

Mr Jewell: Yes, and I'll tell you why. In Kapuskasing we have within the boundaries of the community some 37 miles of rural road, and this area must be patrolled and the people therein protected.

Second, for a very long time we have enjoyed a high class of police services within Kapuskasing. The people, to my present knowledge, do not object to paying that money for the service they are getting. It's a very good police force.

When you make reference to the sister communities at Kapuskasing receiving free OPP service, that mainly involves driving along Highway 11. That is the main corridor. That is where these places are built. They're very small. They in fact do not require, nor are they getting, intensive patrolling. You simply drive through the town, as everybody else does.

Mr Grandmaître: But 46 of our municipalities in Ontario are receiving free OPP services while 832 municipalities have to pay for those services. Do you think that's fair?

Mr Jewell: Yes.

Mr Grandmaître: Yes, it is fair, is that what you're saying?

Mr Jewell: Yes is what I'm saying, in the sense that very small communities cannot afford to maintain a police force. For example, if you take the villages of Val Rita or Mattice with some 436 people in one and 892 in the other, there's no way they need or should have to maintain a police force. Other municipalities who wish them pay for them. If you wish to have it, then you must pay for it. The others don't have any need for this, they're so very small.

Mr Grandmaître: How did you apply for this position? I know it's a new police services board. How did you apply for it? How did you find out?

Mr Jewell: I knew nothing about it until until Mrs Morel, who had seen it in the local newspaper, drew it to my attention. She told me I should apply. She's also the lady who told me I should become mayor 11 years ago. Then I went downtown and an elderly gentleman, Mr Brouillette, drew it to my attention and told me, "If you apply, I'll back you." Exactly what he meant, I didn't know.

In Kapuskasing there is a coalition of unions. I am not associated with them in any way, yet I respect them. Also there is a citizen's coalition, and one of the ladies there telephoned and asked me if I would let my name stand if I were nominated, and I told her yes. Then I received a call from the ministry asking me to send in a résumé.

Mr Grandmaître: A great deal of attention has been raised on pay equity and equality and openness and freedom of information. All of these great things have been happening in this province for five or six years now, I think. Not only this government but past governments have put a lot of emphasis on pay equity and fairness. What are your thoughts on pay equity and equality and employment equality and fair play?

Mr Jewell: Fair play is something I've always assumed. However, that is clearly a false assumption on my part, but

it's something which I think should be expected. We have a right to expect it. In so far as pay equity is concerned, I support that concept. I think it is a good idea. Are you thinking of pay between men and women, equal pay for equal work?

Mr Grandmaître: Yes.

Mr Jewell: I support that concept and I think it should be practised. I think the government's on the right track.

Mr Grandmaître: How about equality? Men and women on your police force: Do you think there is a good balance there?

Mr Jewell: Is there a good balance or should one be achieved?

Mr Grandmaître: Is there a good balance.

Mr Jewell: I believe that women being appointed to the police force should be treated equally as men. Whether there's a balance or not concerning numbers, you may have more men than women, but nevertheless you would certainly give them all equal, fair and right treatment.

Mr Grandmaître: If you believe in fair pay and equality and all of these great things, how come, when you were mayor, you were refusing to provide French services to 65% of your population? Where is the fair play?

Mr Jewell: What you have just implied in your question is simply not the truth. I believe, sir, that you know better than that. You were in the cabinet at that time.

Mr Grandmaître: I was minister, sir.

Mr Jewell: Yes, I'm aware of that. I'm also aware that you are knowledgeable concerning the fact that it was not a case of denying services to 65% of the population; it was a case whereby a bylaw had been written by two of my councillors of that council.

The Chair: Mr Jewell, we don't want to be unfair, but can we make this as quick as possible?

Mr Ferguson: We're here to examine the individual's credentials to the police services board. I'm not particularly interested in his past record as the mayor of Kapuskasing.

Mr Grandmaître: If you read what we're looking for—

The Chair: I think this question is not out of order, and I'd like to encourage Mr Jewell—it's a question that he should have an opportunity to respond to, and I'd ask him to be as brief as possible.

Mr Grandmaître: We're talking about equality; that's what we're talking about.

The Chair: I'm trying to be fair to the witness.

Mr Jewell: Are you asking me to be brief, Mr Chairman?

The Chair: Yes, I am.

Mr Jewell: I shall be brief, then. The truth of the matter is that nobody denied anybody anything. Indeed, the majority of people in Kapuskasing of the francophone population are moderates. It is they who came forth and said: "What is the fuss about? We are already a bilingual community."

The bylaw to which I have referred was one wherein if you were not French you could not work for the municipal

service. That was the flaw in it. That was why that bylaw was taken to the Supreme Court and was quashed. We fought that all the way because it was not fair. For Mr Grandmaitre to suggest otherwise is not only erroneous; I'd term it unfortunate.

Mr Grandmaitre: I visited your area on a number of occasions and I don't think you're telling the truth.

Mr McLean: I want to start my questioning by asking if you have the support of Mr Wood, your local member, for your appointment.

Mr Jewell: I assume so.

Mr McLean: Do you know if he made any recommendations on your behalf?

Mr Jewell: I'm not aware.

Mr McLean: I'm just going through some of the briefing stuff I have on the new board. What is the makeup of the board? You're probably more aware than I am.

Mr Jewell: The board doesn't exist at this moment. I believe that Mrs Jamieson has been sworn in. In fact, that was in the Northern Times. I believe the mayor has lately been sworn in. It is non-functioning at this point.

Mr McLean: From the information that I have, they had their first meeting on the 22nd of June. That's the information that I have. Who's on the board now? Do you know?

Mr Jewell: Only the two, to my present knowledge.

Mr McLean: The mayor and—

Mr Jewell: Mrs Jamieson.

Mr McLean: And Mrs Jamieson.

Mr Jewell: Yes. I'm not aware that they had had a meeting.

Mr McLean: And it will be a five-person board?

Mr Jewell: It will be a three-person board, as I understand it.

Mr McLean: I see. What is the number of officers in Kapuskasing?

Mr Jewell: When I left office, there were 15 officers on the force.

Mr McLean: Of the 15, how many of those would be female officers?

Mr Jewell: None.

Mr McLean: None.

The town of Kapuskasing opposes your appointment. You're aware of that?

Mr Jewell: Yes, I have this letter here.

Mr McLean: Do you think that will create a problem between you and the municipality?

Mr Jewell: No, I don't. I think what I may be able to do as a member of the board is help strike a balance and, I think, also help to continue the good work that has gone on in the past under the aegis of the police committee of council.

Mr McLean: I understand the mayor has been appointed. From the clippings I have seen, there appears to be a feud between you and the mayor. Is that going to create a problem?

Mr Jewell: Since November 1991 I have only seen the mayor twice. There is no feud going on. If there is, it's one of his creation. That is not criticism of our mayor. These articles that I see in this paper for the first time, that have been photocopied here—I don't read the local press, so I haven't seen these before and I'm not aware of their content. But if they are negative in any way, then I think it's something to which Mr Piché should answer. He owns the newspaper, you see.

1050

Mr McLean: According to the audit firm, you and the audit firm don't agree. There's been an audit done and you don't agree with the auditors, is that correct?

Mr Jewell: No, that is not correct. Just for clarification, in January our mayor made it quite clear by implication and later by statement that there is a \$1-million shortfall. Later it was referred to as a deficit, and this enabled people to think that the past administration had dealt in skulduggery or mismanagement. In fact, the statement was made by the leader that this is because of mismanagement by the last administration.

So I went to the council and pointed out that there is no \$1-million shortfall, there is no \$1-million deficit. I caused a paper to be written and in it was included the phrase that if Kapuskasing continues on its present course of giving the usual increase, maintaining the total staff, providing all the services and programs we provide—and they're very generous and rich—we would have to find another \$1 million. Clearly the intent was that we wouldn't continue to provide all these services and so on. That's where the idea came from. There is no \$1-million shortfall.

I pointed that out to him, and they persisted in the fact that there was. So I suggested to them then that if this is so and I as former mayor have been misled, let's have a provincial audit. That did not sit well. Then the council involved its own municipal auditors and I explained the case to them and they explained their case to me. I'm still waiting for a reply from the municipality.

Mr McLean: I don't want to dwell on this. I see a conflict between you and the mayor and, on a three-person board, if that conflict continues, it's not going to be good for the town. I know you are there in the interests of the citizens of the town. Are you still prepared to proceed with the appointment knowing that the whole problem lies there with regard to the town?

Mr Jewell: Yes, I'm prepared to proceed with the appointment and I will do my best to avoid conflict. This area over here which you and I have been discussing has nothing to do with the functioning of the police services board. I choose to categorize things and I think the board will too.

Mr McLean: I disagree with you that it has nothing to do with the police services board, because if you and the mayor have a conflict and you're both on the board, it does have a conflict.

Mr Jewell: I see. I must point out to you that I'm in the habit of avoiding such conflicts if I can.

Mr McLean: I hope that is the case. I'm sure it will be.

The budget has been related as \$1.3 million.

Mr Jewell: Which budget, sir?

Mr McLean: For the police services board.

Mr Jewell: Is that for 1992 you're talking about?

Mr McLean: For 1991. The budget for 1992 has not yet been approved, but the budget for 1991 was \$1.3 million. What is the population of Kapuskasing?

Mr Jewell: It was 10,834 at the last census.

Mr McLean: About \$13 per capita. That would be one of the lower ones in the province, wouldn't it?

Mr Jewell: Yes. I must point out to you that while that may seem a great deal of money for the taxpayers to provide, at the same time, 10,834 people, including children, provided \$14.1 million to save the mill. Money in that regard is not a problem and never has been at Kapuskasing. Nevertheless, we use it wisely.

Mr McLean: Back in June, the mayor decided to ask the Solicitor General to provide an assessment of how much it would cost to replace the existing Kapuskasing force with an OPP detachment. Do you have any idea what the cost would be to replace that force?

Mr Jewell: I didn't even know that such a request had been made. No, I have no specifics on the subject. It has never been discussed to my knowledge, certainly not within my hearing.

Mr McLean: That's all the questions I have, Mr Chair.

The Chair: We have three questioners from the government caucus: Mr Waters, Mr Wood and Mr Marchese.

Mr Daniel Waters (Muskoka-Georgian Bay): Did I hear you correctly that the newspaper articles that were sent down by the town of Kapuskasing—that the mayor owns that newspaper?

Mr Jewell: Mr Piché owns the Northern Times. These are lifted from the Northern Times. Along the last page there are two from the Timmins Daily Press.

Mr Ferguson: Unbelievable.

Mr Jewell: The second part I've got here, that is Northern Times and the other one is Northern Times. I have not read them, but I can tell by the print. Moreover, the last three are labelled.

Mr Waters: I just wanted to get an understanding of what was happening. This is the same mayor, the present mayor, who has appointed you to the police board previously.

Mr Jewell: Yes. When I first went on council Mr Piché asked me to accept the appointment of chairman of the police committee and I said yes. Two years later, I gather that he was well satisfied with my performance at that time and he appointed me again as chairman of the police committee. Since January there seems to be—in fact there is—some stress between us. It is not of a lasting, viable nature. Life is too short for that at Kapuskasing. We don't think the way that is reflected in these articles.

Mr Waters: When you were chair of the police board, there was no great kerfuffle or any major investigations or things into the police board; everything seemed to go well?

Mr Jewell: Never. All went very smoothly and well. I pointed out earlier that we have a highly competent police chief and highly competent policemen on our board.

Mr Waters: In your résumé it mentions that, "It is recognized that there is a reluctance on the part of the elected authorities in Kapuskasing to have a police services board." Could you expand on that statement please?

Mr Jewell: Within two months of the election in 1991, it was made quite clear: "We have always gotten along well without a police services board, and I intend to retain control. There will never be a police services board at Kapuskasing."

Mr Waters: And of course the mayor has appointed himself to be on the police services board as the municipal representative?

Mr Jewell: Yes.

Mr Waters: I just wanted to get this all out. That's all of my questions. Obviously, from your résumé and your background, I think you'd be a definite asset to the board.

Mr Len Wood (Cochrane North): Thank you very much, Mr Jewell, for coming forward. I assume you're well aware of the duties of the police services board, or you've had some knowledge of the new board that is coming into effect on January 1.

Mr Jewell: Yes, sir. One of the things I'll have to do is read the Police Services Act. After such a review I think I'll be able to contribute something positive to that board.

Mr Wood: I imagine you are well aware of the fact that the police services board for the town of Kapuskasing was intended to be up and running early in the new year. Are you aware that the provincial appointee, Dennis Turcotte, resigned?

Mr Jewell: Yes, I learned that, I think it was in March or something about that time; certainly in the winter. He had decided not to stand for appointment. Beyond that I have no information. I don't even know why he did it.

Mr Wood: Okay. That's it, Mr Chairman.

Mr Rosario Marchese (Fort York): Mr Jewell, it's good to see you again. I met you as a minister last year.

Mr Jewell: That's right. Yes, you did.

Mr Marchese: It's interesting how we meet under different circumstances.

A few minor questions. I'm not in the habit of asking the first one, but other members of this committee are. Are you affiliated to any political party?

Mr Jewell: Yes. I have always been a Conservative. My affiliation with the Conservative Party goes back a long way. We're an old Conservative family for two generations. Beyond that, I have nothing to add. The answer to your question is yes.

1100

Mr Marchese: Another question: Wouldn't teaching be a lot more interesting and exciting, something you might want to do, as opposed to sitting as a member of this police board?

Mr Jewell: Yes.

Mr Marchese: Your answers are too brief.

Mr Jewell: I see. School teaching has its own rewards. Each day is delightful, it's charming, because you can never tell what the young people are going to come up with next. Therefore, there's a certain excitement about it. I've spent a long career living in a world where everything and everybody is young. That's always refreshing.

Mr Marchese: I can see, however, that being a member of this police board will bring a lot of interesting things for you. No wonder you're looking forward to it.

But I wanted to comment on something else. I do believe there is a conflict here. Having control of the media as a mayor is in my view problematic, and being a member of this police services board as a mayor is problematic and conflicting. Do you see yourself as a person who could help strike a balance as one of the reasons why you want to be a board member?

Mr Jewell: Yes. That's why I stated in my résumé that I would expect one of my first tasks would be to come to terms with the other members of the boards, specifically Mr Piché, and thereafter strike and maintain a balance, one whereby the police service would benefit.

The Chair: Any further questions?

Mr Wiseman: I too come from the teaching profession, and I have never heard it articulated quite as well as you just did about the joys of teaching in terms of eternal youth being present in your life. I find you to be a very optimistic person. I think that will be very refreshing in terms of the kind of leadership you can bring the community.

I see you're retired, but I see that is only a word and not an action, because you've just finished a water-efficiency strategy for the province of Ontario. Could you tell me a little bit about how you got involved with that and what that was about?

Mr Jewell: That was last year. A notice came to our town asking that somebody volunteer to sit on that. At that time, Kapuskasing was just finishing a very long period of trauma, given the facts and the difficulties and the anxieties surrounding the mill. The councillors were very busy; indeed, so was I. So I asked somebody else if he'd sit on the thing, and the day he was leaving, there was a problem within his family so I told him, "Never mind, I'll go and do it myself." I'm glad I did too, because it was a worthwhile progressive learning situation. It was very useful.

Mr Wiseman: I also see that you are on the board of regents for Huntington University. Where is Huntington University?

Mr Jewell: Huntington University is one of the federated colleges of Laurentian University. There is Thorneloe, which is Anglican, the University of Sudbury, which is Roman Catholic, Huntington, which is United Church, then there's one other one; I forget what it is. But these are the federated colleges or universities of Laurentian. I sit on the board of regents of one of the universities.

Mr Wiseman: And also you are on the board of directors of Transport 2000. Transportation is a very interesting area of study. What have you learned from being on the board of directors of Transport 2000?

The Chair: Very briefly.

Mr Jewell: I will be brief. I have learned about airlines and airline services. I consider myself an expert on trains and rail services, freight and passenger. I had no idea we had such a powerful bus industry, bus lobby, in Canada and indeed in North America. I'm glad I'm on that board.

Mr Wiseman: Thank you for coming.

Mr Jewell: Thank you for receiving me.

The Chair: Thank you, Mr Jewell for travelling down from Kap for your appearance, and I wish you well.

Mr Jewell: Thank you, gentlemen. Good day.

ANNE REDISH

The Chair: Our final witness is an intended appointee as a member of the Ontario Heritage Foundation, Ms Anne Redish. Welcome to the committee. Ms Redish, you were selected for a one half-hour review by the government party, 10 minutes to each caucus, and we'll begin with Mr Wiseman.

Mr Wiseman: I have a particular interest in the Ontario Heritage Foundation. As you probably heard, I was a teacher of history. I believe that heritage is multifaceted. It's natural, it's architectural, it's historical, it's cultural, it's all of those things, and the absence of any one of those diminishes us in terms of who we are and how we can relate to who we are in terms of what I see is the whole time continuum of our existence on the planet. So I believe heritage is very important.

I don't know if you were here for the first deputation.

Mrs Anne Redish: No.

Mr Wiseman: She indicated that in downtown Ottawa a large portion of the architectural heritage in one particular area was eliminated. We also know that with Talbot Street, in London, they have torn that down as well. I have in my own community another village that wants a heritage designation, so I've been very much involved in all of this.

My question to you is, from your résumé here, how do you think you can help and what can you do to promote and try to protect heritage in all of its senses in terms of where you'll be in this appointment? A nice short question.

Mrs Redish: I think as a cross-appointee from the Niagara Escarpment Commission my first obligation on the foundation would be to matters of natural heritage and particularly to areas of the Niagara Escarpment. Primarily that's the natural heritage but it also includes other forms of heritage as well, built primarily again, but other forms of heritage.

What can be done to promote them? The Niagara Escarpment funds are, as I'm sure you know, divided into component A and component B and the component B moneys can be used for education, for research grants and things like that, so there is an opportunity there for promoting heritage.

How you choose between one form of heritage and another is a judgement call. Our heritage is everything around us and you expressed it very well. Sometimes I think we don't realize that the chimney stack out there that I can see is perhaps not something we would wish to preserve and we may not consider it beautiful, historic or

interesting—I don't know anything about it; that is just something I can see—but I think we have to remember it is heritage and we have to make that judgement between whether that is what we preserve or some other item.

1110

Ms Margaret H. Harrington (Niagara Falls): I hope it's appropriate if I ask if you know my friend George Seibel from Niagara Falls.

Mrs Redish: I'm sorry?

Ms Harrington: Do you know George Seibel from Niagara Falls?

Mrs Redish: No, I don't. I'm sorry.

Ms Harrington: He's written several books about the history of Niagara Falls.

Mrs Redish: No, I'm sorry.

Ms Harrington: I just thought he was very well known.

Certainly, I think it's a very heavy time commitment, serving on two provincial boards. How do you feel about that amount of time? Do you feel you can manage that?

Mrs Redish: I think so. I don't think it can be any worse than being a member of town council. I survived that for eight years, one of which I was a member of the Niagara Escarpment Commission, so I think I can cope.

Ms Harrington: The other question I had was with regard to any conflict in representing both the interests of the Niagara Escarpment Commission as well as the heritage board.

Mrs Redish: In a way I think that's what the cross-appointments are there for, to try to clarify situations of conflict between the two bodies and to, I suppose, effect a compromise.

Ms Harrington: Can you see any particular area of difficulty?

Mrs Redish: I can see two possible difficulties. One would be where the foundation might consider a property worthy of purchase by the Niagara Escarpment funds and the commission might consider that the funds would be better saved for some other property. The other is the ruling of the commission that there should not be two residences on one property. I can see a situation where there was a heritage house of some sort, but for some reason the owner didn't wish to live in it and wished to build a separate residence for himself. That might be a case of conflict.

Ms Harrington: Just in closing, I would like to recommend to you the books written by George Seibel. One is the history of the Portage Road—the 200th anniversary was recently—a history of the bridges across Niagara and also of the Niagara parks system.

Mrs Redish: Thank you.

Ms Harrington: I think you may be interested in them.

Mr Marchese: In your spare time, of course. I want to welcome you here today, Mrs Redish. I have three or four questions and I'll do them as quickly as I can, because I'd like your feedback on them.

In my experience, I have found that people are not terribly excited about heritage, both within government and

outside. What are your views about how we interest people about the importance of heritage to us as human beings?

Mrs Redish: It's a long process. It's like teaching people about the environment. I think there is a change coming. I think the new Ontario Heritage Act will probably help. Eventually, I think it's a matter of education. Things like Heritage Day certainly help and I don't think there's any great thing that one can do, really, to increase an interest. I think it comes slowly.

Mr Marchese: It does indeed. The present heritage legislation has often been criticized for being a bit too inadequate in preserving our heritage. Do you have some ideas about how we do that?

Mrs Redish: I've had a quick look through the new proposals. I must admit I haven't studied them deeply, but I think there are some helpful things in there. I hope they'll make life easier for LACACs and the new heritage committees. I think the most important thing is to get rid of this "After six months you can pull it down." I hope the process in the new proposal will do away with that.

Mr Marchese: Let me ask you one last question. In these tough economic times, is it realistic for the foundation to acquire properties that will obviously require expensive restoration of historical buildings?

Mrs Redish: Again it's a judgement call. Is this building such that if you don't acquire it, it's going to fall to the ground and be completely lost? How essential is it that we retain that building? You can only deal with individual cases. You can't make a broad generalization on that.

Mr McLean: I just have a very few questions for you. I notice your involvement around the Niagara area and the input you've had. Your background is substantial with regard to conservation authorities and all those types of boards and the commission you have sat on.

There's one thing that bothers me and I would like your opinion on it. It has to do with designating of historical sites in a municipality. Councils seem to be reluctant to do it because of the fact they're kind of responsible for the upkeep in a lot of cases. How do you get around having some of these buildings that we know of designated as historical, so they can stay there without putting a burden on somebody?

Mrs Redish: I would hope that a council that owned an historic building would have sufficient pride in it to be prepared to allocate funds for its maintenance. A property that belongs to a private person or to a commercial operation cannot be designated at the moment—I can't say "can't be" but is very rarely designated against the wishes of the owner.

I noticed one of the things in the proposed legislation is that if a designation goes through and the building loses all commercial value, then compensation will be provided. I think that's something that needs further elucidation in the act or the regulations.

First of all, it says "all value is lost." Does it really mean "all"? Second, there is nothing about where the compensation is coming from. The Niagara Escarpment Commission is looking at the proposal at its meeting tomorrow.

This is certainly one of the comments I'm going to suggest we make.

Mr McLean: In Orillia, we have the Stephen Leacock Memorial Home. It's a great property and they have to get funding from the province, from the municipality, plus the tours they have, to try to make ends meet.

The other I know of is an old firehall that was sold to a law firm. The law firm's been there for years and this was the first firehall built. How does the municipality designate that old firehall as a heritage building, when it's already owned by a group of people, to be maintained in its present form? It's rather difficult.

Mrs Redish: It's a difficult situation if you can't persuade the lawyers to go ahead with the designation yourself. My home town is Dundas, which is an historic town in its way, and I find that over the long term—now, it may take you 10 years—you can often persuade an owner that he's got something to be proud of and it's worth going ahead.

Mr McLean: Your résumé indicates to me that you have a great knowledge and to put that to work across the province should be a benefit for everyone. Thank you for coming this morning.

The Chair: Thank you very much, Mrs Redish. We appreciate your appearance here and wish you well.

The next matter on our agenda is the determination on whether the committee concurs on the intended appointments we've reviewed this morning. We can deal with them on the basis of one motion or individually. How does the committee wish to proceed?

Mr Wiseman: I'll move concurrence.

The Chair: Mr Wiseman moves committee concurrence for all three witnesses. Any discussion? All in favour?

Motion agreed to.

The Chair: There are a couple of more items before we adjourn. Our report, as you know, dealing with the Eastern Ontario Development Corp, the community advisory board at the Brockville Psychiatric Hospital and TVO is pretty well prepared. One thing, before we go to the printer, is whether the committee wishes to have it translated into French. We're looking at a cost of between \$4,000 and \$5,000 to have it translated into French. What is the wish of the committee?

Mr Waters: TVO includes La Chaîne, does it not?

Mr Marchese: Yes.

Mr Waters: So I move that we definitely have it translated into French.

The Chair: Any objection? Any comment on that? We'll do it without a formal motion, then.

The next matter is whether we should meet next week. Mr Grandmaitre talked to me earlier and indicated that he doesn't feel we should be meeting. None of the other standing committees are meeting. What's the wish of the committee in respect to this matter? I know we discussed this briefly at the subcommittee and we did not apprise the House leaders of our decision to sit today, because the House leaders had indicated they weren't going to sit. What's the committee's view? Should we follow the practice of the other standing committees and not meet next week?

Mr McLean: The House might not be sitting next week, Mr Chair.

The Chair: It was indicated—

Mr McLean: Things change around here pretty quickly.

Mr Wood: Mr Stockwell said yesterday we were going to meet all summer.

The Chair: As of last night we're meeting next week.

Mr Waters: My concern would be that I wouldn't want to deprive the opposition or indeed ourselves of interviewing someone, so if it jeopardized that scenario then maybe we should meet. Otherwise, I have a lot of work to do.

The Chair: I think there's a consensus that we won't meet. I think the subcommittee should meet. If the House is in session next week the subcommittee will try to get together on Tuesday or Wednesday.

Mr Wiseman: I would hope to be able to define a little more clearly what the agenda for the summer will be, but given the current state of the unknown it's difficult. I hope we'll have it sorted out by the time we meet next week.

The Chair: We should know by next week whether the committee will have any sitting time during the summer as well, whatever is left of it. Meeting adjourned.

The committee adjourned at 1123.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

- ***Chair / Président:** Runciman, Robert W. (Leeds-Grenville PC)
- ***Vice-Chair / Vice-Président:** McLean, Allan K. (Simcoe East/-Est PC)
 - Bradley, James J. (St Catharines L)
 - Carter, Jenny (Peterborough ND)
- *Cleary, John C. (Cornwall L)
- *Ferguson, Will, (Kitchener ND)
 - Frankford, Robert (Scarborough East/-Est ND)
- *Grandmaître, Bernard (Ottawa East/-Est L)
- *Marchese, Rosario (Fort York ND)
 - Stockwell, Chris (Etobicoke West/-Ouest PC)
- *Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)
- *Wiseman, Jim (Durham West/-Ouest ND)

Substitutions / Membres remplaçants:

- *Harrington, Margaret H. (Niagara Falls ND) for Mr Frankford
- *Wood, Len (Cochrane North/-Nord ND) for Ms Carter

*In attendance / présents

Clerk / Greffier: Arnott, Douglas

Staff / Personnel: Pond, David, research officer, Legislative Research Service



ISSN 1180-4335

Legislative Assembly of Ontario

Second session, 35th Parliament

Official Report of Debates (Hansard)

Monday 17 August 1992

Standing committee on government agencies

Subcommittee report
Appointments review

Assemblée législative de l'Ontario

Deuxième session, 35^e législature

Journal des débats (Hansard)

Lundi 17 août 1992

Comité permanent des organismes gouvernementaux

Rapport de sous-comité
Révision des nominations



Chair: Robert W. Runciman
Clerk: Douglas Arnott

Président : Robert W. Runciman
Greffier : Douglas Arnott



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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Monday 17 August 1992

The committee met at 1403 in committee room 1.

SUBCOMMITTEE REPORT

The Chair (Mr Robert W. Runciman): I call the meeting to order. The first item, attached to your agenda for today, is the report of the subcommittee on committee business. Does anyone have any questions or comments in respect to the report of the subcommittee? It's essentially a list of the selections for review, the individuals we will be reviewing in the next few days. No questions or comments?

Mr Jim Wiseman (Durham West): A comment about the apparent inability of Joan King to appear: Could I have some clarification on the procedure that should be followed in terms of when this person could be reviewed?

The Chair: Do you want to comment on that?

Clerk of the Committee (Mr Doug Arnott): I'm sorry; you want clarification on when?

Mr Wiseman: Yes. What would happen at this point, according to the rules?

Clerk of the Committee: The committee can indicate that it does not wish to review the person and is satisfied to see the intended appointment go through for processing; you could ask the House leaders for permission to meet at a special date within the 30-day time period from the date of your last subcommittee meeting; you could ask the public appointments secretariat to withhold processing of the proposed nomination until a period well after the 30 days—in the past, the public appointments secretariat has indicated it cannot normally do this except in extraordinary circumstances, given the long time lines already in place for getting nominations through.

The Chair: Perhaps this is something we should refer to the subcommittee. The subcommittee would perhaps have an opportunity this week to have a quick meeting and deal with it.

Mr Wiseman: Okay.

APPOINTMENTS REVIEW

Consideration of intended appointments.

DONALD WILLIAM ROSS

The Chair: We'll move to the next matter on the agenda, and that's a half-hour review of the intended appointment of Mr Donald William Ross as a member of the Ontario Municipal Employees Retirement Board. Mr Ross, come forward please and take a seat. Welcome to the committee, sir.

Mr Donald William Ross: Thank you.

The Chair: It's a 30-minute review, with 10 minutes allocated to each party. You've been selected for review by

the official opposition, so we will look to Mr Grandmaître to begin the questioning.

Mr Bernard Grandmaître (Ottawa East): Mr Ross, you do have quite a bit of experience in dealing with OMERS. I would like your thoughts on the invitation that you received from the Treasurer of Ontario some time ago to invest some of your funds in the Ontario investment fund. In my riding—I don't know about the rest of the world or the rest of Ontario—I've received between 600 and 700 letters from participants who are saying no way should we participate in the Ontario investment fund. What are your thoughts?

Mr Ross: I'm with the Municipal Retirees Organization of Ontario; I'm the vice-president. In early March of this year we sent out a newsletter, of which I was the editor, denouncing the Ontario investment fund and encouraging all our membership, some 13,000 people across the province, to contact their former employee association or union, to contact the OMERS board directly and to contact their local MPPs and express their views.

Mr Grandmaître: They did.

Mr Ross: I would imagine that you all received some response from that.

Then in the late spring—June, I think it was—I took part in a meeting with the OMERS people where we set up a coalition of different organizations which belong to the pension plan. This coalition—I'm only indirectly a member; our organization is a member—has also gone on record as being against the Ontario investment fund.

Mr Grandmaître: What were the reasons given for not investing in this fund? I can tell you what my notes are saying: They don't trust the government with your dollars. Is that the real reason?

Mr Ross: To be blunt, sir, I don't put faith in any government in its investment policies, and I am not only looking at the current provincial government but any government. For instance, the public service pension plan in Ontario is a good example. It looks good that it's got \$8 billion in assets until you look at the other side, where there's \$12 billion in liabilities. The Canada pension fund is another example of government investment of money. The Alberta heritage fund is another prime example. Governments in general do not, in my opinion, have a very good record when it comes to investment of funds.

Our pension plan is well run. The latest financial statement that just came out showed that in 1991 they earned 14.1%, I believe it was, on investments. We thought the reserves were going to be cut to a minimum because of the funding that was necessary for the indexing that was put in a year ago, but we found out at the end of 1991 the surplus was back up to approximately \$650 million, I believe; I don't know the exact number off the top of my head. So

the fund has been well run, well invested, and why mess with a good thing?

1410

Mr Grandmaitre: I see that your portfolio is quite diversified and lately you've been increasing your mortgage portfolio; in other words, you're investing more money in mortgages. Is this a new trend, because when we talk about mortgages and investing and properties in the province of Ontario, and not only in the province of Ontario but right across Canada, right now people are very concerned, very leery of the real estate business in Canada, and now you're increasing that portfolio. Do you know something, then, that we don't know, and you're investing?

Mr Ross: No, sir, I don't. I'm not familiar with any new policy that the OMERS board may have come out with in regard to mortgages. I know it has been investing in real estate to diversify its portfolio. It's still a fairly small percentage, if I remember correctly, something like 7%—

Mr Grandmaitre: It was 5% and now they're increasing it to 15%.

Mr Ross: Yes, 15% is the eventual target. I could be wrong, sir, but I think at the present time it's only something like 7%, which in the overall is not a very high percentage.

Mr Grandmaitre: And what about your foreign investments? Do you know anything about your foreign investments versus Canadian investments?

Mr Ross: I know the fund is invested over 70% in the province of Ontario. The investments outside continental North America make up a small percentage, actually, of the overall fund and they are diversified, but at the same time I believe they are—what's the word I want?—shall we say “politically correct”? For instance, there are no investments in South Africa, things of this nature.

Mr Grandmaitre: Yes. Do you have a policy somewhere where it states that no more than 25% or 30% of your dollars should be invested outside Ontario? Do you have a policy, or could you decide tomorrow morning to invest 50% of your assets outside Ontario?

Mr Ross: I am not familiar with foreign policy per se, but I know what they have told us, that they intend to have the majority of their funds invested in Ontario for the benefit of the people of Ontario, because this is where our membership base is. Naturally, to get some diversification they do invest outside, but their latest financial statements—and I wish I'd brought one with me to refresh my memory, but I think Ontario was something like 73% or 74%.

Mr Grandmaitre: Since the invitation of the Treasurer to invest in the Ontario investment fund, is it now a foregone conclusion that you will not participate in the OIF?

Mr Ross: We may not have any choice, from some of the rumours we've been hearing.

Mr Grandmaitre: We're being told that it's voluntary, but I know what the government means by “voluntary.”

Mr Ross: Yes. If it is on a voluntary basis, the OMERS viewpoint is that at this point in time it wants nothing to do with it. They do not know what management has been put in place. They do not know what their track record is, what their experience is. They do not know what type of people are going to be giving them advice on the investments or what type of investments they're really looking at. So at this point in time, no.

One thing they have suggested is that if you—“you” being the government—see an area where some funds are needed, if they would like to recommend them or point them out, the OMERS board has said that it will have its investment people check into them and if they are feasible and good investments it would certainly go along with them.

Mr Grandmaitre: One last question, then, Mr Chair. Maybe I should take advantage of this forum to bring out a personal viewpoint on OMERS. I was a contributor of OMERS for 13 years as a politician, and I found out back in 1984 when I was first elected at the provincial level that my OMERS pension wasn't portable. Did you know about this? Everybody else, apparently—teachers, you name it, any kind of employees, non-teaching staff of school boards—all these people are permitted except former municipal politicians.

The Chair: Very brief response.

Mr Ross: I'm not familiar with that. I understood that the OMERS benefits were portable, but I'm sorry, I'm not familiar with that.

Mr Grandmaitre: That's what they told me: “We're sorry.”

Mr Allan K. McLean (Simcoe East): Just to clarify that, they're only portable if you continue to work in another municipality.

I have a couple of questions for you, sir. Are you familiar with the workings of the board? You've been on the board for a while?

Mr Ross: No, sir, I've never been on the board. I've been before the board to make a presentation, but that's all.

Mr McLean: Do you know how many people are on the board?

Mr Ross: At the current time I believe it is 11. It is being increased to 13.

Mr McLean: Did you apply for the position, or were you asked to apply?

Mr Ross: I applied for the position, sir.

Mr McLean: Why would you want to be involved in this board?

Mr Ross: I think it's very important that we have a pensioner on the board, because the pensioner is the one most affected by any actions taken by the board. I think a pensioner can give that viewpoint towards any discussions they might have, and to me it looked like an interesting challenge. I would look forward very much to being on that board.

Mr McLean: On May 27, 1992, the board sent a letter to all members of OMERS to inform them that a coalition

of employer, employee and retiree organizations participating in OMERS had been formed to criticize the Ontario investment fund proposal and support the board's position. What's your opinion on that?

Mr Ross: Yes, the Municipal Retirees Organization of Ontario is part of that coalition. The president of our retiree group is the co-chairman of that coalition and we support it 100%.

Mr McLean: What is the per diem for board members? Do you know?

Mr Ross: On OMERS?

Mr McLean: Yes.

Mr Ross: Just from a document I got the other day, it said \$192 a day, but I don't know what that's supposed to cover. If it's to cover accommodations in downtown Toronto, obviously it's not very much.

Mr McLean: There will be over and above that, I'm sure.

Mr Gary Carr (Oakville South): Like most people, I've had many contacts with people who are opposed to the Ontario investment fund. In fact, I was at my son's hockey game and one of the chaps who was playing goal in practice came running over when he saw me to register his protest.

I've looked through your résumé, and it would be impossible for me to support anybody who didn't come on and say categorically that he would never, never, never approve of using the funds in the way the government intends with the Ontario investment fund. Can you give me that assurance today, that you will never, never agree to that?

Mr Ross: No, sir. The way the Ontario investment fund has been put to us to this point in time, there is no way I would ever support it. If some new thing comes out in the future, by all means I would be willing to take a look at it. But to say that under no circumstances, never—I don't think I can go quite that far. But certainly the way it has been put to us so far, there is definitely no way I'll go for that.

Mr Carr: The feeling is that the way it is now is it's voluntary, and the way the government will get around it is that it will make loan guarantees. In other words, they will say, "You invest, and if for whatever reason we should lose some money, we'll put in the amount that is lost." I suspect that's the way they're going to go. If in fact they would guarantee it in terms of losses, would you support it at that point in time?

Mr Ross: With all due respect, sir, if the loans were being guaranteed, I'm sure the chartered banks would be willing to give them the money ahead of us.

1420

Mr Carr: That's what they're looking to do, because it's voluntary and every one of them listed there said, "There's no way we're going to give any money." So the government is now taking a look at underwriting, for want of a better word. The problem is that the government wouldn't underwrite the banks. Politically, they wouldn't do it to the banks, where they could to pension funds,

because they could say, "See, we're protecting the people." I want to ask you again, if they guaranteed it and said, "Whatever amount of money you've lost, the Ontario government will back it up," would you then support it?

Mr Ross: I don't believe so, sir, because I can't see how it would work. If the government was going to guarantee this money, why wouldn't it just make the loan itself? Why go through us?

Mr Carr: They don't have the amount of money they need. They can't borrow right now because, quite frankly, they're broke and then some. What they will do is use your buying power and then, should they lose money because they put it into investment for political reasons, for whatever good causes, and say a company went under and lost \$10 million, at that point they would just put in \$10 million. So what it means is the government doesn't have to borrow a huge amount of money. What they're looking at doing is guaranteeing it.

I just want to be clear, and forgive me for pushing this point, but if the government came along and said, "We guarantee that we will reimburse the pension fund any money that is lost through this investment fund," you would still be opposed to it under those circumstances?

Mr Ross: Yes, sir, because from what I can understand and from what little I've read on it and what you've told me, they're guaranteeing the investment, but what about the interest that has not been made or the interest that has been lost? As I said, they made 14.1% on investments last year, and it's this return on investments that we depend on to keep our fund in a good, healthy condition.

Mr Carr: You don't have any party affiliation, then, with any of the major political parties?

Mr Ross: No, sir. I've dealt with them all and I've argued with them all.

Mr Carr: Good. Maybe you could give us your vision of what you would like to see happen when you come on the board so the members will know exactly what you see happening. Give us a little bit of an idea of your vision, where you see it going.

Mr Ross: I would like to see their investment policies maintained. They have had a high standard over a number of years and earned a very good return on their money. I would like to see this maintained. I would like a little more information, perhaps some input, on the property investment. There is some of the investment side I don't understand very well.

There are some changes in the benefits package that I would like to see, for instance, an increase in the spousal benefit to the maximum allowable under the Income Tax Act, which would be an additional 6⅔%. I would like to see a provision for the board to act autonomously on an ad hoc capping up of a pension increase. As you know, we are right now a 70% index, and if funds are available, it may be topped up to 100%, but that is always subject to approval of cabinet. I believe that if the reserves are not cut below approximately 2% of liabilities, the board is responsible enough to make this decision for itself.

So there are changes I would like to see made in the legislation that covers it, and changes in the regulations as far as benefits payable are concerned.

Mr Robert Frankford (Scarborough East): When you're on the board, you'll be technically in charge of a really very significant pool of capital.

Mr Ross: It scares me. I'm from the school, sir, that I don't know a million, and when they start talking billions, my gosh.

Mr Frankford: On this question of investment funds or otherwise, whether or not you go with that, you now have the possibility of directing funds into investments, into enterprises which can do various things to help both your members and the province of Ontario.

Mr Ross: That's correct.

Mr Frankford: You talked about ethical investments. Presumably you don't deal on a day-to-day basis with investments, but I imagine you will have some chance to give guidance about the companies that are invested in.

I notice in the list of investments that this was on December 31, 1991. As far as I can see, the biggest US consumer non-durable investment was 5.31% invested in Philip Morris tobacco company, \$41 million. How do you feel about that?

Mr Ross: Being a non-smoker, I would like them to take another look at that. What I meant by ethical investments was in countries such as South Africa and others like that. I was not referring to the smoking issue or something like this, or even, say, pharmaceutical companies.

Mr Frankford: But tobacco is pretty controversial and there are companies that would not invest in it.

Mr Ross: As I said, I am not on the board as yet. I have never met as a member of the board, so I'm not really privy to any of their policies on that issue.

Mr Frankford: In domestic investments, we have \$127 million, or 3.25%, invested in Imasco, so I guess you could look at that in the same way as another tobacco company.

Mr Ross: What company is that, sir?

Mr Frankford: Imasco.

Mr Ross: I don't know what that company is.

Mr Frankford: I think it's Imperial Tobacco. Then to a smaller extent I think you are in Rothmans. So I gather you would ask to take another look at this. There really is a policy decision here, isn't there, about whether a health-damaging product should be invested in?

Mr Ross: It would have to be a policy of the board, yes. By the way, I've never seen a complete list of their investments.

Mr Frankford: It's available. I guess it's an annual report.

On the property or real estate aspect here, I think you mentioned you would like to look at some aspects there. In the Toronto Star last Friday, there was an article about a possible bailout of SkyDome; it said that some unnamed pension funds might be participants in that. Do you have

any thoughts of whether you would like to see OMERS participating there?

Mr Ross: Definitely not. I saw the same article and I was waiting for today so I could get hold of some people to find out if these "unnamed pension funds" happened to be one of ours. But definitely no; I wouldn't want to get into that.

Mr Frankford: But I believe your real estate arm, OMERS Realty, is headed by Mr Magwood, who I believe had a connection with this.

Mr Ross: He has connections, yes. It scares me.

Mr Wiseman: It scares you?

Mr Frankford: Do you know in detail about your real estate investments, or is this just a general thought, that you would like to—

Mr Ross: No, I don't know any details.

Mr Frankford: One thing I notice, as a Scarborough member, is that last October OMERS purchased a 50% investment in Scarborough Town Centre from Bramalea Ltd. Obviously there's an investment judgement there, but any comments?

Mr Ross: No, sir. I haven't been in the Scarborough Town Centre in quite some time. The last time I was there it seemed like a thriving concern.

Mr Frankford: Maybe it's good. I guess we need the capital in the building as much as anywhere else.

Mr Ross: I'm not an investment expert, but from the little I've seen of the real estate values in my own area, the property values seem to be depressed at this particular time. Had I some extra funds, I would think it might be a good time to look at real estate investment over the long term, because historically they do go up. The house I currently live in is not worth as much today as it was three years ago, but it is certainly worth considerably more than it was when I bought it 12 years ago. So I would think that with some wise background checking, some of these real estate investments at this time might be a good idea.

1430

Mr Frankford: I wouldn't ask you to be totally authoritative on this, but on the policy I think you mentioned, that you should be aiming at 15% in real estate, do you have any comment on that?

Mr Ross: That was a policy announced by the board, and as I said, I'm not on the board yet, so I really don't know how they come up with this 15% figure. What was explained to us as members was that largely they wanted to diversify their portfolio with real estate as the long-term investment and the bonds, stocks etc, as the more shorter term.

Mr Frankford: Do you have any comment on the wisdom of foreign investment?

Mr Ross: I believe there is a time and place for foreign investment, particularly if they want to keep the fund healthy and continue to make a good return. There may be times when investment in Ontario may falter slightly and foreign may go up, so you need something to counterbalance these things.

Mr Wiseman: I'd like to pursue the question you raised in your response to Mr Frankford that you're not an investment expert. I would assume that OMERS would have access to an agency or a group of people who would be investment counsellors. Is that not correct?

Mr Ross: They have employees of the board who are investment counsellors. They have, as has already been mentioned, the real estate division whose prime concern is real estate. They have people who concern themselves mainly with stocks and some mainly with bond issues. These people make recommendations and the OMERS board sets the policy.

Mr Wiseman: In the draft document on the Ontario investment fund, it clearly indicates that the Ontario investment fund would be at arm's length from the government and that it would employ people to advise it on investment counselling in terms of where the money should go. Given that scenario, what people are telling me is they are afraid that if this fund is created, it will open up a window of opportunity, not necessarily with this government but with some future government, to seize control and mandate that the pension money will go into that. Is that what you see as well? Is that what you fear?

Mr Ross: We do not see that they will get the funds on a voluntary basis. What we have seen outlined to us for this fund is that they must get 5% of the income in order to make it viable and if they don't get that much money, from what I've read, they just won't be able to function. The only thing we can see them doing is saying it's voluntary and then, lo and behold, we only get 1% of the investment and they turn around and say, "With a stroke of the pen, we'll change the regulation and 5% will be diverted to the fund."

Mr Wiseman: What I have a little trouble with is that I come from a teaching background and the Ontario Secondary School Teachers' Federation is my pension fund. Since 1911, up until just recently and under this government, the money was automatically taken back by the government at lower rates of interest—absolutely abysmal rates of interest if you look at the history of the fund—and put into unfunded liability situations.

It seems to me, given the history of the past and what I've learned about legislative ability, that any government in the future can do whatever it wants. I find it a little difficult for OMERS to oppose the Ontario investment fund based on some speculative notion of what some government can do in the future anyway. I've been telling people who have been contacting me that that's the case. If it's voluntary and the Ontario investment fund is making money, why wouldn't you get into it?

Mr Ross: I just can't see that it's applicable.

Mr Wiseman: That's what the business community and the union advisers said about the labour-sponsored venture capital fund and they—

The Chair: The time has expired. Thank you, Mr Ross. We appreciate your appearance here today.

Mr Ross: What is the next step, if I might ask?

The Chair: The committee will be voting on these matters later on and you'll be advised in the very near future.

Our next witness is an intended appointee as a member of the Board of Funeral Services, Mr Douglas Porter. Is Mr Porter present?

Interjections.

JACOB THOMAS

The Chair: My apologies. The next witness is Mr Jacob Thomas, who is an intended appointee as a member of the McMaster University Board of Governors. Hopefully, Mr Thomas is here. Mr Thomas, please come forward and have a seat. Welcome to the committee, sir. We appreciate your appearance. Do you understand the process, Mr Thomas?

Mr Jacob Thomas: Not quite.

Mr Wiseman: He doesn't quite understand the process. Maybe you'd like to explain it to him.

The Chair: Mr Thomas, I'm asking you a question, whether you understand the process and how this works.

Mr Thomas: No, I don't.

The Chair: Okay. It's a half-hour review. Each party has an opportunity to question you and have your responses within a 10-minute period, for a total of 30 minutes. Your selection for review was a request of the government party, so we're going to begin the questions with a member of the government party, Mr Wiseman.

Mr Wiseman: I was the one who called for your review and I'm pleased that you're here. I have a master's degree from McMaster University, so I was interested in talking with you.

You have an interest in promoting native studies within the faculty of McMaster University. Is that correct?

Mr Thomas: Yes. I believe it would be necessary to understand that there are other universities and colleges that are interested also to set up native studies the same as where I have worked for 14 years at Trent University. It would be a similar type of native studies.

Mr Wiseman: I remember going through your CV and it was quite lengthy in terms of what you've been able to contribute to the area of studies. Could you perhaps just give us a quick synopsis of what you're bringing to the board of governors of McMaster in terms of what you've done in the past and what you can contribute?

Mr Thomas: The thing I brought in at the time when I worked with the department of native studies at Trent University is an interest in native culture, traditions and history, and also language was one of the main things we are losing. Native people are losing their language. Myself, I went back to school to learn how to write. I went to the University of Western Ontario to complete four years to understand how to write native languages. So I took linguistics and this is what helped me also when I was teaching language at Trent University; two languages, Cayuga and Mohawk.

Mr Wiseman: Would you also be doing this at McMaster? Would you be doing some teaching as well as

being on the board of governors, or just on the board of governors?

Mr Thomas: No, I didn't. I went there a couple of times. I've been called to give a short lecture.

Mr Wiseman: Do they have native studies and language courses at McMaster now? I don't recall it when I went.

Mr Thomas: I believe they're trying to have one there, but the last I heard, I was told that they were seeking to get funding for the startup of native studies at McMaster. I was asked if I'd be interested in teaching the same as it was set up in Peterborough and I said I would, but I've never heard any more about it.

Mr Wiseman: Excuse me. I didn't quite catch that. They asked you if you would be interested in teaching and then you said you would, but you still haven't heard from them?

Mr Thomas: Yes.

1440

Mr Wiseman: I'd like to take another direction here and perhaps my colleagues will have questions. We've heard some criticism from other institutions that the senates, that sometimes the way universities are being administered add a great deal to the cost of the administration of universities without the students benefiting from the amount of money that is going into the universities.

First, do you see this as a problem? Second, do you foresee any way that the administrative costs of universities could be streamlined in order to maximize the use of dollars for students as opposed to administration?

Mr Thomas: No, I don't believe so.

I don't quite understand the situation, if there are any problems with any other university. But you always get that anyway, no matter where. I've also been on the board of directors for the Iroquoian Institute for four years. We sort of get a backlash and criticism about that, but I guess you get that everywhere no matter what you try to do.

Mr Wiseman: Primarily, it comes out of a comparative study of what is happening with the colleges and what is happening with the universities. It seems that some of the community colleges are much more efficient with their dollars than the universities in terms of how they're applied to the students and what courses are being taught.

There is some voicing of frustration that if some of the universities were to be more streamlined, there would be more dollars available.

I have no more questions.

Ms Jenny Carter (Peterborough): First of all, as the representative for Peterborough and somebody who has strong connections with Trent University, I'd like to thank you for your past and ongoing involvement. I know you've made an enormous contribution. Of course, I also represent Curve Lake and take an ongoing interest in what goes on there.

As you probably know, there's an ongoing controversy as to whether university teachers should be mainly teachers or mainly researchers, whether we don't place too much emphasis on their ongoing research rather than on

their abilities as teachers. I just wonder what your opinion on that issue might be.

I believe there's been a report, in October of last year, on the Commission of Inquiry on Canadian University Education that was chaired by Stuart Smith. They have said that professors in universities tend to value research more than the teaching, and they're suggesting they're being too skewed in that direction. What do you feel about that issue?

Mr Thomas: Would you please repeat it? I have a little problem with hearing.

Ms Carter: Traditionally, university teachers have been respected and hired more for their research or other contributions they've made rather than for their abilities as teachers, which is very often not proven or tested out in any way. The recent commission under Stuart Smith suggested that maybe we should move in the other direction and be more interested in the teaching abilities of people hired by universities. Do you have opinions on that?

Mr Thomas: I believe there was a point there at the time, in 1976, when Trent University started to teach—only Ojibway culture and language was taught at the time, but they were researching into a possibility of who could qualify as an Iroquois, if there was anybody who could teach that. People were researching at the time who would be able to teach it, but they were not really looking at, I guess you would probably say, the difference between native people in what we call experiential learning. A person who grew up on the reservation understood more about their culture than people who lived in a city, even though some did not have qualifications, did not go through college or university. I think they have just as much to compare with a person who had gone through college.

Myself, I didn't have any kind of a degree when I was first hired, but I seem to have worked myself into it, did some more research about different things which I didn't know, because I wanted to have more input into the department of native studies. But it seemed like it was possible for a university to know who would be able to teach it at that time. They wanted a person who understood the language fluently, and so I took up the teaching job because I had experience and knowledge of my own culture and language. In fact I speak all five different Iroquois languages.

The Chair: Thank you, Mr Thomas. We'll have to move on.

Mr Grandmaitre: Mr Thomas, our universities and colleges in the province of Ontario are being criticized, and also the governments are being criticized, for the lack of dollars, not only for teaching but, as pointed out, for research and development. What are your thoughts on our university system in Ontario?

Mr Thomas: I believe that it always runs into problems of dollars to do funding. If you have a good program going, I don't think you have a problem getting those dollars. I started at Trent University in 1976, and for 14 years I taught one of the best courses that was ever offered for culture and language at Trent University. They didn't have any problem about funding and researching for funds for

that program; it became very strong. Also, it was based on elders to whom they looked for support.

So that's what it was at that time. In fact I was an elder at the time, and there was another elder from the Ojibway, and this was really a good program. It seemed like the money that was going in for this native studies program, I don't think they had any problem. I think you'd have to prove what you're doing so that people realize how good a program you have going, and I don't think you'd have a problem.

Mr Grandmaitre: You didn't have a problem? Most universities and colleges are complaining about types of allocation or grants received from the provincial or federal government. So where would you put our university system, as compared to just any other system in the world? Would you say that we're number one, number two, number three, number four, or we're way down the list as far as competitiveness, as far as technology, research and all of these great things are concerned? Would you say that our system in Ontario is one of the best?

Mr Thomas: I figure it would probably rate number one, because I remember a few years ago—and even now I think they are also thinking about starting up another native studies at McGill—I was also asked if I would be interested to set up courses for McGill, but I said that's out of my reach because it's too far away. I think this would become very popular no matter where if it's offered, in any other colleges and universities. I don't think you would have a competition. I don't think we look for competitions either, you know. I don't know whether that is the right answer or not, what you're looking for.

1450

Mr John C. Cleary (Cornwall): Mr Thomas, how did you find out about the opening on the board? Were you asked to apply or did you take it on as your own initiative?

Mr Thomas: Would you please repeat that? I have a little problem with hearing.

Mr Cleary: The position on the board, how did you find out about that? Did someone ask you to apply or did you take it on your own to apply?

Mr Thomas: No, I think I would have to consult my colleagues on what I felt about it. Even right now we have consultation with other universities, our interest in bringing what is called the Iroquoian Institute. We also try to work with Trent University, and I've also been working part-time, teaching at Mohawk College. So I sort of would see what my colleagues would—it would have to be decided by my colleagues which direction we would have to take if I was asked about setting up some kind of teaching, whether it's native studies or whatever.

Mr Cleary: The other question: How did you find out about the opening on the board? Were you asked to apply for it, or did you take that on on your own?

Mr Thomas: You mean the—

Mr Cleary: The position on the board of governors, were you asked to apply for that or did you—

Mr Thomas: Yes, I was asked.

Mr Cleary: You were asked?

Mr Thomas: Yes.

Mr Cleary: Just to follow up a little bit on what my colleague said here, what do you think are the most important changes that you would like to see take place in the university?

Mr Thomas: I have approached Trent University and it's the same, it has not got off the ground. But my interest is to have more of a—what I'm trying to say is that our culture is disappearing and our language is disappearing. If that disappears from knowledgeable elders, because we have not that many elders left, then there are no more native people, I would say, because that's what makes them native: their culture and their language. It's not really too much of colour. But if they still have their traditions and their history, and I believe that universities could go in that direction to support what we call apprenticeship programs, that would bring in some—it depends on what they want to apprentice on, whether it's culture or something to do with art or anything like that, but it is all the same thing. It seems to come together with arts and crafts and things. So I would like to see that happen.

The university or college should go to that direction, more people to train and also to support the language, because language is the same thing. We only go so far. We seem like we're backing up and going and backing up. It seems to me we don't get any further. What I would have liked to see, which I was going to set up at the university by the time of my retirement, was that I should have had three different levels: first year, first level, second level, third level, and maybe fourth year. It would take four years to graduate in the language, the same as others.

Mr Cleary: Thank you. Thank you, Mr Chairman.

Mr Carr: I was interested in how you found out about the position. You said you were asked. Who was it that asked you if you'd like to come on the board at McMaster? Do you remember?

Mr Thomas: I think his name is Bob Carter.

Mr Carr: Is he on the board now? Do you know?

Mr Thomas: I don't know. I don't even know Bob Carter.

Ms Carter: I don't know him.

Mr Carr: Not related to Jenny.

Mr Thomas: He called me over the phone one evening and told me that my name came up. He said, "Would you be interested to sit on the board?" I said, "Maybe I would, if I'm good enough, I guess I would."

Mr Carr: In terms of what you would like to see happen at McMaster, maybe you could give us an idea, a vision of what you would like to see changed or happen at McMaster. Do you have any idea, if you get on the board, what you would like to do, specifically what areas you would like to work with and what you'd like to see happen?

Mr Thomas: As I mentioned before, I would like to pursue the language more, all the different languages, not just one language. That is number one. Also more on culture, and I think I would give more recognition to traditional people today, their own culture. I think it should not be lost. This is one of the main goals.

I have this paper here. Maybe you would like to read that. That is something that I have done to preserve the language and culture. I think what young native people—I also have worked with native people in counselling, and I think I have brought a lot of students back to normal and also to know who they are. When they go to university, they say, “I don’t know where I come from, but I’m here at university and I don’t know what I’m here for.” But then they see the direction, who they are.

It’s a pity that they don’t know. Myself, I know where I come from and my background, and I think this is what they mean. It’s because they don’t know what makes their identity as native people, where their roots began. Now most of them don’t even have the language. They don’t even know, because at different times—I think it goes back, a long history.

Even when I went to school, I was forced at the time to learn the English language. Also, all these residential schools, that is where most of the languages have been lost. I think what we have to do is bring that back. We’ve got young people who want to learn their language and they want to know their identity. I think the universities or colleges should be interested in bringing in native studies, and not only just culture but traditions and history. There are so many things about their own history and traditions that they don’t even know. Tradition goes along with who they are and how they practise their culture.

The Chair: Mr Thomas, that concludes the questioning. We appreciate your appearing here today all the way from Wiltonville and we wish you well.

1500

FRAN REID ENDICOTT

The Chair: The final witness for today is an intended appointee as the chair of the Ontario Human Rights Commission, Fran Endicott. Welcome to the committee again. We appreciate your appearance here. Your review is at the request of the Conservative Party. I look to Mr McLean to begin the questioning.

Mr McLean: Welcome to the committee. You serve on the commission now as vice-chairman?

Ms Fran Reid Endicott: As the vice-chair, yes.

Mr McLean: Has the backlog been a major concern to you over that period that you’ve served as the vice-chair?

Ms Endicott: It certainly has been, as it has been to the entire commission. I guess the good news is that we seem to be getting it under control. It certainly has been reduced significantly from its all-time high. We’re now looking at a case load of roughly around 2,000, which is a significant drop from where we were in February, when it was indeed very high.

Mr McLean: How high did it go to?

Ms Endicott: I’m sorry, I don’t have that, but we’re now 33%, so it must have been about 3,000 and some; probably much higher than that.

One thing I must ask the committee to do is to forgive me if I appear to be squinting. I have a problem with my eye at the moment.

Mr McLean: The Cornish report indicates that 45 days should be the maximum for any turnaround time. Do you agree with that report?

Ms Endicott: I’d like to approach that in a different way. I think the recommendations that are coming out of the Cornish report are as they should be: ideal situations. To have to place a figure on any, to say that it should be 45 days, presents for me a little bit of difficulty. I think the shortest possible time should be the turnaround time.

What I have become aware of, though, is that quite often there are cases which, if we are to do justice both to the public interest as well as to the individual complainant, you perhaps have to take more time with. What we have to ensure is that when we are taking more time, both the complainant and the public are aware of why and what we hope to accomplish by taking that time.

Mr McLean: We have only 10 minutes to ask questions, so the shorter the questions and answers, the more questions we can get in.

The Cornish report is recommending dividing the commission. Do you agree with that report?

Ms Endicott: I am, as is the rest of the commission, intrigued by the possibilities. I’m sorry, but short answers sometimes don’t do justice to the seriousness of the question. One of the things we have to recognize is that if we are to create a net of social justice, we have to do it in the most efficient way possible. Certainly it would seem that the recommendations that are coming out of the Cornish report with regard to the setting up of a tribunal system would help us in doing so.

Mr McLean: Last year’s budget was approximately \$15 million. As the new commissioner, do you feel you could keep your budget within the government guidelines of 1%, 2% and 2%?

Ms Endicott: I think that as the chief commissioner I would indeed be forced to do that. I would hope, however, and part of my pleasure in addressing this committee as a whole is that we would come to recognize as a society that human rights should not be considered on the lower rung of the ladder in terms of financing. I would hope that one of the things that would come out of this kind of interchange is that this committee would become a strong voice within the Legislature for recognizing that for the Ontario Human Rights Commission to function the way we all want it to function, we need to be funded appropriately.

Mr Carr: My question was along the lines of the backlog as well. As you know, you come into a very difficult situation. You’ve got a little bit of time, having spent it as vice-chair. Maybe you could let the committee know where you see the problem and the reason for it and what you see being done specifically to alleviate it, because as you know there has been a lot of things tried. We had Coopers and Lybrand in and a lot of things. We increased the amount of money being spent and things kept getting worse. Could you tell this committee specifically what you will do as chair, where you see the problem and what you see as the answer?

Ms Endicott: Can I take those in a different order?

Mr Carr: Sure; whatever.

Ms Endicott: The backlog: I think one of the things we have to remember is that the Ontario Human Rights Commission was set up 13 years ago and it was perhaps set up in a context that was not envisioned today, so that as people became more vocal and as institutions became more or less responsive, depending on how you look at it, to the issue of human rights, then we had more complaints coming forward.

I think we have to recognize that the backlog was almost a natural consequence of the way the commission was set up at that time. I don't think this is to blame anyone. It was set up to meet a social need at that time. But I would like to point out that today we're talking about a commission that has 160 to 180 people to serve the province of Ontario and we're talking about serving a province as diverse as from Sioux Lookout to downtown Metropolitan Toronto, so you're talking about people carrying quite significant case loads.

What I think I, as chief commissioner, would like to do is to certainly continue the work that has already begun within the commission in managing the case load; that is, in developing criteria, developing ways of managing cases that are the most efficient and the most effective.

Tied to that is clearly the need for a technological strategy, which the commission is now in the process of developing and which I think will help considerably.

Over and above that, I think what we have to recognize is that the Ontario Human Rights Commission itself would have to change significantly to meet the demands of today. By that I mean we have to recognize that the protection of human rights is not the job solely of the Ontario Human Rights Commission.

The Ontario Human Rights Commission should be the strongest, loudest voice, but what the commission has to do is work with other government agencies, other government boards or with ministries and with the private sector, to ensure that human rights become simply a part of the fabric. It is not enough for us to deal just with the code, although we expect the code to continue to have supremacy, as well it should, but what we have to do is to inspect and review the other legislation that affects the lives of people, that comes in other jurisdictions, whether we're talking about the Employment Standards Act or other labour laws, whether we're talking about laws governing accommodation or whatever so that they are reflective.

Without that kind of mesh what happens is that you have a single agency bearing the responsibility. When you have that happening and you have people coming to the Ontario Human Rights Commission for remedies, then you will have an unmanageable backlog.

1510

Mr Carr: So even with the case load increasing as it has—if I follow you—you see it as being more the role of advocacy with other ministries rather than trying to solve it. I see what's happening with the amount of people you have with the number of case loads that are coming before you. You can have all the technology and all the case

management, but it's still going to get out of control unless you have more people.

Ms Endicott: I see both things happening.

Mr Carr: You see both.

Ms Endicott: I see the commission managing its case load. But what I'm saying is that the case load can quickly grow to unmanageable levels, because we have a number of cases that are brought to us which perhaps should be dealt with in other arenas. But because they somehow smack of human rights, they're seen as the sole responsibility of the commission. I suppose what I'm looking for and what I would be working towards as a chief commissioner with the other commissioners and with the agency is developing—as I said—that fine mesh, so that we don't have people falling through the cracks.

Ms Carter: Ms Endicott, could you tell us something about your own past activities and experiences which qualify you for this post? I believe you have been involved in many relevant activities.

Ms Endicott: Yes, I have been. I've been in Canada now for 23 years. I describe myself as an accidental immigrant, because I was on my way seeing the world. I had spent a year here in Toronto when I was 16, and then I came back. I was on my way seeing the world. Then I got married and I didn't see much more of the world than Canada.

While I've been here, I have worked with the Third World studies project, coordinating that project of the Ontario Institute for Studies in Education for a number of years. Then I became a school trustee at the Toronto Board of Education, and there I chaired and was very much instrumental in working with other trustees to develop and implement our race relations policy, our affirmative action review policies as well as, of course, working with a number of community groups and community institutions dealing with issues of racism and sexism.

I don't come before this committee lightly, and I don't take the appointment lightly. It is at some significant personal risk, if you like, that I agreed to the appointment. I'm here because in some ways, I guess, it's a culmination of work that I've wanted to do. I've always seen the Ontario Human Rights Commission as an organization of which I wanted to be a part. I also have at this point the great fortune of following Catherine Frazee. So I'm inheriting in a sense, a commission that's already on the way to reform. I've had a year of working with her, which has been for me not just a personal pleasure—I hope it has been for her—but it has also been a great learning experience for me. I work with commissioners and with a staff that I have come to have a great deal of respect for.

I believe that originally I too shared the feeling that perhaps the commission was not doing as much as it should. What I've come to realize over the past year is that there are people on the commission for whom human rights is simply a way of life, and who work enormous hours under very difficult working conditions. I think that the recognition I have, the understanding I have about organizational structures as well as the issues involved in

human rights, make me a quite reasonable candidate for this post.

Ms Carter: Thank you. As you said, you've been on the commission for a year now already. You said that some of the backlog is already being overcome. Do you think the commission is on the right lines now, or do you have ideas as to how it needs to change and do things differently?

Ms Endicott: I think the commission is on the right track. I do have ideas, some of which I'm already helping to implement. Internally, I think we have to be very, very sure that our own structures, our own policies, our own practices, are above reproach, if you like, and can act as models for other institutions and other organizations. Externally, we have to establish very close working relationships with the public, both the private and the public sector, with advocacy groups and with other individuals committed to human rights. I think we've begun to do this. I want to continue to do that work and to find the most efficient and the most effective ways of doing that.

Ms Carter: What about the suggestions by the task force that were already mentioned, that there should be three institutions for enforcing human rights: an equality services board, a Human Rights Commission, renamed Human Rights Ontario, and an equality rights tribunal? Do you think that's the way to go?

Ms Endicott: As I said, I think, in answer, it's an intriguing possibility. The reason I'm not prepared to commit myself at this point in time is because we are just at the moment ourselves, as a commission, reviewing the report and coming to terms with its implications.

What I am excited about are the principles on which the Cornish report are based and because those principles are talking about giving over greater control to the complainants and freeing the Human Rights Commission to do what it can do and is beginning to do very well, which is systemic investigations and so on.

On a broad level, yes, I am pleased, but, as I say, I think we need to look very closely at what the implications are, especially with regard to the question that was being asked over here about budget and efficiency.

Ms Carter: I certainly wish you every success.

Ms Endicott: Thank you.

Mr Wiseman: I was looking at a table here of inquiries from the public. In 1988-89 there were 60,440, in 1989-90 there were 61,901, in 1990-91 it was 56,448, and in 1991-92 it was 92,053. That's a huge increase.

Ms Endicott: Yes, it is.

Mr Wiseman: It's 1,500 inquiries a working day, or more. Have you any idea what the source of that increase is? Was it because they physically couldn't get their complaints before the board before and they can now? I guess the second part of the question is, is 92,053 complaints in 1991-92 an upward limit or are we looking at even more accessibility to the board in terms of more complaints?

Ms Endicott: I think the figures you're quoting are inquiries to the commission, and those inquiries we will deal with in a number of ways. For instance, we might

refer them to more appropriate areas. These are inquiries, people asking about, "How should we go about laying a complaint?" or, "Do I have reasonable grounds for a complaint?"

But I would like to address your question about why we're seeing that increase. That is, as you say, a huge number, and I think inquiries will increase, particularly at this time when we're in an economic recession, when we're finding, for instance, that people are in situations where they can't find jobs or they're being denied jobs, where people are finding it very difficult to find affordable accommodation. A number of reasons will contribute to that.

Equally, we're also living at a time when events impact upon us. For instance, at the time of the Anita Hill affair there was an increase in inquiries around sexual harassment, because when people step forward and take stands, you're going to find that inquiries will increase.

I suspect that there are going to be more inquiries and in fact more requests for boards of inquiry from handicapped people, for instance, who for a long time have been a neglected and hidden part of our society. Race-related cases are going to increase. In fact on all the grounds for which a commission has the role of being a protective agency, there will be that increase.

Could I just say that I'd like you to remember, though, that this does not necessarily mean a failure on the part of this society, that I interpret this as people are beginning no longer to be quietly oppressed, and I think we should be able to congratulate ourselves as a province as making that possible.

1520

Mr Alvin Curling (Scarborough North): You come before this committee with tremendous qualifications and a great respect in the community. You also come before us with a lot of optimism, and I wish I could share that with you. I'm not so ready to share that optimism.

What you need, as a matter of fact, is the fullest cooperation from the minister, the political staff and the bureaucrats, or else, with all respect to your ability, you're going to be just completely destroyed in the process.

My question to you is, in the recent past there have been some reports, as you know, within the Ontario Human Rights Commission, of low morale and discrimination. Do you see this as one of your priorities, to address that immediately within the commission itself?

Ms Endicott: That is indeed one of my number one priorities, and perhaps I might explain that why I am optimistic is because we already have in train several mechanisms to deal with these issues.

We've got a very active anti-racism committee. We've got a very active organizational health and effectiveness committee and we are engaged in developing a strategic plan that will deal with our own internal structural inequities and developing a communications strategy so that people who work within the commission will feel plugged in to what's happening and will be very much a part of developing the solutions and the strategies.

I assure you, Mr Curling, that one of the things is that I'm not foolishly optimistic. Eight years on the Toronto board, I think, would have stripped the stars from anyone's eyes, but I am optimistic in the sense that this is Ontario, that there are differences in Canada from the United States or England. I believe that there is within this province a level of concern, a fairly heightened social sense, and I think, as you say, with a Legislature and a government committed to these issues, we can make significant differences. And don't dampen my optimism.

Mr Curling: No, I don't want to. I don't think anybody can dampen your optimism when you are focused.

I have the view that we would help the Ontario Human Rights Commission. I feel that the inclusion of all parties within the political process, with their briefings and their ideas, if they want to be shared—I'm talking about within the Conservative Party and the Liberal Party, and I'm going to that end—that to be invited and to give contributions can be of assistance.

Would you commit yourself, as a commissioner, as a chief, whenever there are opportunities in which we can give contributions that way, to include us in the process?

Ms Endicott: I'm certainly prepared to make that commitment. I hope that you're equally prepared to make the commitment, that when the commission comes to you and says, "Listen, these are the ways in which you can help," you will cooperate happily.

Mr Curling: Definitely. Systemic discrimination, as you said, is one of the focuses you want to work on. Over the past few years we have only had about two cases, really: Northwestern General Hospital and the employment agency. Is it because of lack of aggressiveness in investigation by the Human Rights Commission, or is it that there's a decline in systemic discrimination in Ontario?

Ms Endicott: I wish I could say there was a decline in systemic discrimination. No, I believe, as I said before, we have to remember that the commission, in terms of people, is very small. So we have a systemic unit, for instance, that has about two to three people. I think the way that we're going to be effectively dealing with systemic discrimination is to work together with other agencies—I'm thinking of, for instance, the Ontario Anti-Racism Secretariat or the Employment Equity Commission, when that is established—and not to work in isolation, because I think that's the way we will maximize the resources we have at our collective disposal to deal with systemic issues.

I believe that in dealing with discrimination and bigotry on whatever grounds, going to the root of the issues, dealing with it systemically, is the way to go, because when we get individual complaints, while of course we must address those individual complaints and seek individual remedies for that, really they are symptomatic of a systemic discrimination that's endemic in a number of our institutions.

Mr Curling: Could you comment on this for me? It seems to me that government, when our parties get into power, forms a lot of bureaucracies. Many people come into my constituency office with a sense of being discrimi-

nated against. They seem to be confused whether it goes through the government equity, whether it should go through the human rights or whether it should go to the Ombudsman. As more bureaucracies are formed there seems to be more confusion in the system. Do you think the government should be moving towards reducing all this bureaucracy, or from formulating it, and maybe giving more clout to the Human Rights Commission and looking at expanding in other areas?

Ms Endicott: You'll excuse me if I sidestep part of your question, and that is on what governments do, because I think the people around here are far more comfortable with that.

Mr Curling: Take my word for it, yes. When the Liberals were there, they expanded; when the NDP comes in, it expands.

Ms Endicott: People are confused and are not clear on where they should go for effective redress. The very least we need to do is provide effective signposts for people. I think the way of doing that is by doing quite an extensive public education campaign, both with people who are potential complainants and people who are potential respondents.

Quite often we've found that we are faced, as commissioners, with cases that we cannot deal with because it's not part of our mandate. So the question of number is important, but even more important for me is the clear explanation and the clear delineation of what the mandates are and the setting up of a system that allows different organizations and institutions to work together, recognizing that we're moving towards a common end.

Mr Curling: The government is intending to proceed with its cabinet committee on racism. Again, I'm going to give my own opinion: It doesn't work. The Liberals had it, and it didn't work, and they're going to start it here. It's not going to work again. Do you have any comment about that, that the way to go is the cabinet committee on racism?

Ms Endicott: I'm not sure if that's the way to go or it's the only way to go. I have no opinion because I have no knowledge of what happened under the Liberals or whatever, but it seems to me that to have racism discussed at the highest level of government is a useful exercise. Whether it works or not will depend very much on the way it is structured, on the kinds of advice that that cabinet committee seeks, on how it makes its findings known and on how much support it gives to the implementation of its recommendations. So I don't think the problem is with the existence or non-existence of a committee but with how the committee functions. Before I could make a comment on that I would need to—

1530

Mr Curling: One last question?

The Chair: You don't have any time, I'm sorry.

Ms Endicott, that concludes the questions and your responses. Again we thank you for your appearance here today. Good luck.

Ms Endicott: Thank you very much.

The Chair: Members of the committee, the final matter on the agenda is the determination of whether or not the committee concurs with the appointments we've reviewed today.

Before we get into that, are the members of the subcommittee receptive to the idea of a brief meeting after the regular meeting to deal with Mr Wiseman's concerns? Mr Grandmaitre and Mr McLean?

Mr McLean: What's this?

The Chair: About a witness who didn't make an appearance.

Mr McLean: Okay.

The Chair: It won't take too long. We'll stay around and do that.

As members know, we can deal with these as a group or on an individual basis. How do you wish to proceed?

Mr McLean: Individual.

The Chair: I'll require a motion in respect to Donald William Ross, a motion to concur with Mr Ross's appointment.

Mr Daniel Waters (Muskoka-Georgian Bay): So moved.

The Chair: It has been moved by Mr Waters. Any discussion on the motion in respect to Mr Ross?

Mr Frankford: I'm sorry there wasn't more time because I think a very important issue was raised here. This is \$14 billion of capital that we're dealing with and police commissions and many of the agencies we deal with pale by comparison. I know this is only one government appointee so this committee doesn't have the opportunity of really reviewing an agency like this. It was very useful to have the opportunity of questioning him, but we just touched on the many issues.

With respect to him, he was lacking in background information. He didn't even have a copy of the annual report, although he's apparently an active member and he edits the newsletter. So he wasn't able to see very basic, important facts which I think would have made him think twice about some of the rather dogmatic statements that he finds himself allied with around the supposition that government spending is somehow bad and private investment is inevitably good. We didn't have time to get into questions around real estate. We didn't get into the question of why a 50% share of Scarborough Town Centre was bought by OMERS from Bramalea, in which OMERS still has a significant interest.

So this was one review where we really should have had a great deal more time; a number of questions remain. Some of the things he said I'm not at all sure are correct. He said that OMERS is 75% invested in Ontario; this does not seem to be the case from what I have here at all. It has significant oil and gas investments, paper and forest products, none of which I think are Ontario investments, although maybe if it's a Toronto Stock Exchange quotation that's what counts.

I'm going to vote for him, but I think it's really worth noting that the level of information he has received in the past is probably what one would reasonably expect from

someone in his position, but I think it has not been enough to give him a critical perspective, and I think this is more a reflection on the system, maybe on the staff of OMERS, I don't know. OMERS has significant investments in the Thomson Corp, which is probably where many people get their information. It has 250,000, or it did on December 31, shares—\$16 million—in Dun and Bradstreet Corp of New York, which of course publishes the Wall Street Journal.

As I said, I think there are a number of conflicting questions here which I appreciate the opportunity of raising with Mr Ross. They will also be of great interest to OMERS members across the board, the people who have written to us. As I say, I will support this but I'm pleased to have had the opportunity of mentioning these matters here.

The Chair: I just want to mention, Mr Frankford, that with respect to the OMERS board, as a committee we have the authority to call the board before us. If indeed we're ever afforded the time to get back to the committee's original mandate, we can call them.

Mr Carr: I just have a quick point. I am going to be voting against Mr Ross, the reason being that all of us know the big issue now is the OMERS pension. While he didn't support using that for the government, I didn't believe he was strong enough. I suspect that the people who have written to me want to hear very clearly that under no circumstances would he support it. The term he was using was "not at this time." So with all due respect to Mr Ross, I'm going to have to vote against him.

Mr Wiseman: I'd like to add a comment just in terms of that. If I were to fault Mr Ross with the OMERS board, it would be in terms of its lack of understanding of what the discussion document on the Ontario investment fund contains. I received those letters that you've received, and one of the things that has struck me in all of them was the "what if" syndrome, which we hear so much of today, and not the direct potential of that fund in terms of offering an investment vehicle to the cash-strapped businesses of Ontario.

We have heard from the federation of manufacturers and we've heard from the Canadian Federation of Independent Business that in fact it's not a problem that there aren't any funds. Well, let them come to Pickering and talk to my businesses that have been shut out by the banks and shut out by the other funding institutions and find out from the people who are right down there preserving the jobs, creating the industries, how difficult it is to find funds.

One of the things I have to say is that I get just a little annoyed—it happened during the employer ownership and labour-sponsored venture capital investment funds hearings—that people are pretty quick to condemn a vehicle that is being put forward that they can either use or not use.

The mere fact that \$29 million was raised from the labour-sponsored venture capital fund, against the advice of the federation of independent business and against the advice of some of the unions, tells me there is a group of people out there that is prepared to invest.

The Ontario investment fund, an arm's-length agency with independent people applying to administer the fund,

is another vehicle they can either choose or not choose to be invested in. The fact that they're so willing to condemn is unfortunate, and I think doesn't do the economy any good.

Mr McLean: On a point of order, Mr Chair—

The Chair: Well, I was being generous there, but it was totally off base in respect to the motion. I'm just pointing that out.

Mr Grandmaitre: Will you be fair enough to give me 30 seconds?

The Chair: I will give you a couple of minutes, Mr Grandmaitre, but I want to encourage members again: We have a motion dealing with a specific appointment here. Let's confine our remarks to that or we'll be here all day when we get into these comments.

Mr Grandmaitre: I will confine my remarks to the appointment to the OMERS board. Mr Chair, I don't think that Mr Ross—as you know, I never vote on these people, for or against. I've never voted before and I won't start now, because I think it's a sham. Anyway, I just want to make sure that I'm on record as far as the William Ross appointment is concerned.

I don't know the man, but he's being appointed to the OMERS board and I don't think we should judge this man on the way he thinks about the OIF or not. Those are his personal feelings or his personal thoughts on a government program and I don't think that we should punish anybody because he agrees or disagrees with the government. So I think we should get on with the job of whoever wants to vote for or against William Ross.

The Chair: All right. We have a motion on the floor, moved by Mr Waters, that the committee concurs with the appointment of Donald William Ross as an appointee to the Ontario Municipal Employees Retirement Board.

All in favour of the motion? Opposed?

Motion agreed to.

The Chair: Now we require a motion for Mr Jacob Thomas to the board of governors of McMaster.

Ms Carter: I so move.

The Chair: Mrs Carter moves that we concur with the appointment. Any discussion on this motion? All in favour? Opposed?

Motion agreed to.

The Chair: The final motion required is for Ms Fran Endicott.

Mr Rosario Marchese (Fort York): I so move.

The Chair: Mr Marchese moves that the committee concur with the appointment. Any discussion?

Mr McLean: I would like to make a couple of remarks. I've listened to the questioning that went on with regard to Ms Endicott's intended appointment. My feeling is that she's been there as vice-chairman, she's part of the

problem and I don't see how she's going to be able to solve the problems that are there, due to the fact that she has been part of the problem. I just find it hard to support her in the Human Rights Commission chair as the chief executive officer when she has been there and has not turned it around. I just wanted to express my concern.

The Chair: I suppose that'll encourage some additional remarks.

Mr Marchese: Briefly, as a response to Mr McLean's remarks, simply to say that someone is a commissioner or part of it and therefore an integral part of the problem is a rather vast and unfair remark to make about an individual.

I think you might point to problems of the commission; you might point to problems of government—governmental, non-governmental and the private sector—in terms of how we deal with these issues, but to simply dismiss the person as being part of the problem because she's there and hasn't solved it, therefore the candidate is unacceptable, I just think those remarks are very difficult to take.

Mr Carr: I'll be very brief. My concern with the appointment wasn't because we all know there are problems there. The reason I was disappointed is that I didn't hear anything that would lead me to believe that she had the answers to the problems.

Of course, as you know, having been there a year—some of the people that we've had come before this committee don't know really what they're getting into—she's fortunate enough to have had that experience, and knowing that this obviously was going to be the number one question asked, I would have felt much better—and I must admit I would have loved to have had more time. As you know, holding interviews in such a short space of time, when you divide questions, on such an important role as this—I think back to the people I hired in far less important positions that I spent more time interviewing and discussing with.

My big concern, and the reason I'll be voting against it, is I didn't hear anything to lead me to believe that anything was going to change for the better. There's nothing specific about what she was going to be able to do to change it. I think all members of this committee realize we have a major problem there. I would have hoped there would have been something to give us some hope, and I wish her luck in turning things around. I don't think she had the answers today and unfortunately I won't be able to support her.

The Chair: Okay. We have a motion, I believe Mr Marchese moved it, to concur with Ms Endicott's appointment. All in favour? Opposed?

Motion agreed to.

The Chair: That concludes the regular meeting. Meeting adjourned. We'll see you tomorrow at 10 am.

The committee adjourned at 1542.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

- *Chair / Président: Runciman, Robert W. (Leeds-Grenville PC)
- *Vice-Chair / Vice-Président: McLean, Allan K. (Simcoe East/-Est PC)
Bradley, James J. (St Catharines L)
- *Carter, Jenny (Peterborough ND)
- *Cleary, John C. (Cornwall L)
Ferguson, Will, (Kitchener ND)
- *Frankford, Robert (Scarborough East/-Est ND)
- *Grandmaitre, Bernard (Ottawa East/-Est L)
- *Marchese, Rosario (Fort York ND)
Stockwell, Chris (Etobicoke West/-Ouest PC)
- *Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)
- *Wiseman, Jim (Durham West/-Ouest ND)

Substitutions / Membres remplaçants:

- *Carr, Gary (Oakville South/-Sud PC) for Mr Stockwell
- *Curling, Alvin (Scarborough North/-Nord L) for Mr Bradley
- *Lessard, Wayne (Windsor-Walkerville ND) for Mr Ferguson

*In attendance / présents

Also taking part / Autres participants et participantes:

Murdoch, Bill (Grey PC)

Clerk / Greffier: Arnott, Douglas

Staff / Personnel: Pond, David, research officer, Legislative Research Service



Legislative Assembly of Ontario

Second session, 35th Parliament

Official Report of Debates (Hansard)

Tuesday 18 August 1992

Standing committee on government agencies

Appointments review

Assemblée législative de l'Ontario

Deuxième session, 35^e législature

Journal des débats (Hansard)

Mardi 18 août 1992

Comité permanent des organismes gouvernementaux

Révision des nominations

Chair: Robert W. Runciman
Clerk: Douglas Arnott

Président : Robert W. Runciman
Greffier : Douglas Arnott



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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Tuesday 18 August 1992

The committee met at 1012 in committee room 1.

APPOINTMENTS REVIEW

Consideration of intended appointments.

GARY IRELAND

The Chair (Mr Robert W. Runciman): Come to order, please. Our first witness this morning is Gary Ireland, who is an intended appointee as a member and chair of the Ontario Food Terminal Board. Mr Ireland is present now. Mr Ireland, would you please come forward and take a seat. Welcome to the committee, sir.

Mr Gary Ireland: Thank you, Mr Chairman. I apologize for being late. I forgot about the traffic coming in and construction and trouble parking.

The Chair: Understandable. You were selected for a half-hour review by the Liberal Party, and we're going to ask Mr Grandmaitre to begin questioning.

Mr Bernard Grandmaitre (Ottawa East): Mr Ireland, who owns the terminal?

Mr Ireland: I believe it's owned by the government.

Mr Grandmaitre: Is it? I don't know the answer.

Mr Ireland: That's going way back.

Mr Grandmaitre: Yes, well, 1954, but in my notes it doesn't say who owns it.

My next interesting question is about leases. I can recall that a good number of people were critical about some of the leases that went on for a period of 30 years. Some of them had at least a 30-year period with automatic right for renewal and at very low rents. You're quite familiar with the food terminal. Has this been corrected in the last few years, or what's been done to put the rents up or whatever they had to do to make it more feasible?

Mr Ireland: I've been away from the terminal for a couple or three years, but my understanding is that it has still in the past been a problem. I understand that the previous board, on more than one occasion or at least one occasion, has met with the standing committee about possible changes in the lease to get away from a perpetuity situation where it seems the perception has been that it has inflated the price of the lease to kind of discourage, to price higher than maybe what it should have been or what they would like it to have been to attract new business.

Mr Grandmaitre: So as far as you're concerned, the lease problems haven't been resolved.

Mr Ireland: To the best of my knowledge, no.

Mr Grandmaitre: Is there a waiting list of old sailors to have a stall or a stand at the food terminal? Is there a waiting list?

Mr Ireland: The last I knew I thought there was, but then I understand that there was a proposed expansion that

was under way. Now I just received some documentation—I didn't get it until late yesterday, and was going over it last evening—but my understanding is out of five of the proposed new clients, so to speak, three of them had tried to back out. I guess there's a lawsuit ongoing on that situation now. So whether there's a waiting list, other than the people who were going to come in under the new expansion, I'm not exactly sure at the present time.

Mr Grandmaitre: I can recall four or five years ago there was a lot of talk about the possible expansion of the terminal because it was very popular and it was quite in demand. I haven't heard a thing in the last four or five years.

Mr Ireland: Correct. I'm not sure whether the state of the economy has kind of slowed things down in that regard or not. That could be.

Mr Grandmaitre: Talking about the economy, what about the free trade agreement? How has this affected not only our consumers but old sailors?

Mr Ireland: I could speak more, I think, from a producer's standpoint than from a wholesaler's.

Mr Grandmaitre: Producer's, then.

Mr Ireland: Personally speaking, from the producers I've spoken with and my knowledge that I have, I think it's put us at a disadvantage.

Mr Grandmaitre: John, have you got a question?

Mr John C. Cleary (Cornwall): Yes, I do. I take it, Gary, that you've been interested in being on the board for some time. Is that true?

Mr Ireland: Mr Cleary, I found that quite interesting. I know with my involvement in the Ontario Fruit and Vegetable Growers Association—I think it was about two years ago when we moved our office out of the terminal and up to Guelph—I always found it a fascinating place. I'd come in for a meeting at, say, 9 o'clock in the morning and I found it busy then, but I know the major activity was basically over for the day. Some of the problems we encountered the year that I was president—I just found it a fascinating place.

Mr Cleary: I see here that you're a third-generation apple grower.

Mr Ireland: Correct.

Mr Cleary: And I know you must have been involved with the terminal for many, many years.

Mr Ireland: Well, more through my involvement with the OFVGA than anything else.

Mr Cleary: Yes. Coming into this position—most people have a little agenda—what changes would you like to see take place there?

Mr Ireland: I guess one of the problems, if you want to call it a problem, that we seemed to encounter the year that I was president was producers complaining about whole product being dumped on the terminal at lower prices and hurting the domestic market or the domestic producers. I know there was never any proof of this.

I think this has been an ongoing issue, local producers complaining about imported product coming in at prices lower than cost of production or being offered at lower than cost of production. I think sometimes that may have been the case and sometimes that may have been a perception. I'm not sure, but I know that was one of the major things we had to deal with through four different cases, I think, during the year with those kinds of complaints.

Mr Cleary: I take it that the produce from there finds it going even further than Ontario boundaries. Is it true that it's shipped into the United States and other provinces too?

Mr Ireland: I've heard that rumour, yes.

Mr Cleary: I guess the other way haunts you a bit too, maybe produce indirectly finding its way there from other—would that be true?

Mr Ireland: I would have to say it is.

Mr Cleary: It is, eh?

Mr Ireland: Yes. Certainly with my involvement in apples and in the few commodities that I had knowledge of through the OFVGA, that seemed to be a perception.

Mr Cleary: You're more familiar with apples. What would be the other areas where the apples would come from?

Mr Ireland: For example, we had a major problem back a few years ago—I know certainly through the apple commission—with the Red Delicious situation from Washington being dumped here at prices lower than cost of production, so that we ended up with a suit against the Washington growers, which you probably recall that we did win, but it cost a lot of money to go through that procedure. There were ways that they ended up getting around it, so I really question whether we actually won. We won that case, but I question whether we won in the long run.

Mr Cleary: As my colleague Ben just asked you about free trade, do you find it's going to be worse from now on than it has been in the past?

1020

Mr Ireland: I don't really see it getting any better. I guess the main reason I say that is that I've been involved in the National Horticultural Safety Net Committee in Ottawa as one of the Ontario representatives. Some of our complaints there, which are the same as my provincial counterparts around the country, I don't see improving, and I've been sitting on that committee for two to three years now. I just don't see any change. With the new proposed North American free trade agreement, I can see things getting worse not better.

Mr Cleary: Yes. I guess talking to some of the other groups that use the terminal, they say they have big challenges ahead. I have no further questions but only to wish you good luck. I know you've got a big job ahead.

Mr Ireland: Thank you very much.

Mr Allan K. McLean (Simcoe East): Welcome to this committee, Gary. Are you appointed to any other boards or commissions at the present time?

Mr Ireland: I'm a director for our area on the apple commission. I am second vice-chairman appointed through the OFVGA to the Ontario Agricultural Commodities Council and I'm also a director and vice-president of the Norfolk Fruit Growers Association, which is the organization I belong to in Simcoe.

Mr McLean: You have a 125-acre apple farm?

Mr Ireland: Correct.

Mr McLean: Who runs it?

Mr Ireland: I do.

Mr McLean: You must have some good help there.

Mr Ireland: At the moment I've got two offshore workers who have been very good.

Mr McLean: How many days would you anticipate that, as the chairman of the food terminal board, you would spend away from the farm in a year?

Mr Ireland: A good question, Mr McLean. From the inquiring I've been able to do and the information I've received, my understanding is that the board has met approximately monthly. Whether that was sufficient or whether it should be meeting more, I'm not sure. I've spoken with Bill Carsley but I haven't met with him yet.

Mr McLean: Is Bill Carsley the manager of the food terminal?

Mr Ireland: Correct.

Mr McLean: How long has he been there?

Mr Ireland: I don't know exactly. Certainly I've been on the apple commission for several years and he was there then. So he's been there quite a while. I couldn't give you the exact date.

Mr McLean: Are you looking at making any change in the management of that food terminal?

Mr Ireland: Not at the moment, no.

Mr McLean: You're familiar then with the leases and some of the expansion that was to be made at that food terminal a few years ago?

Mr Ireland: Vaguely, yes. I remember a few years ago, in fact, I recall Bill coming to the apple commission one day, and that was going back I think when the original expansion was planned. As for the more recent one, the only information I have received is just what I received yesterday and speaking with Bill on the phone.

Mr McLean: Are you familiar with the other board members?

Mr Ireland: No, I'm not, only one.

Mr McLean: Do you know there's been, some would say, a management problem there for many years?

Mr Ireland: No, I don't.

Mr McLean: We did a review of that food terminal a few years ago and there was a lot of discussion with regard to the rents that were charged and the people who were wanting to be tenants there. There was some indication

that it was over \$1 million in order to rent a unit there. Would you be familiar with that?

Mr Ireland: I heard that rumour, yes.

Mr McLean: What do you anticipate doing as chairman of the board to have the board oversee more of what goes on at that food terminal? Or do you just want to carry it on the way it is?

Mr Ireland: It's pretty hard for me to comment until we've had a chance to meet to find out some of the problems and just to see what the potential is in making any changes that the board feels should be made.

Mr McLean: There have been some recommendations to the Ministry of Agriculture and Food, which has jurisdiction over that food terminal, with regard to the leases that are there in perpetuity, and nobody seems to want to say that we're going to cut that off after a certain period of time. Are you familiar with that?

Mr Ireland: Vaguely, yes.

Mr McLean: You're going to get a great learning experience when you get there, aren't you?

Mr Ireland: I believe you're right.

Mr McLean: Have you transported apples to the terminal and used the terminal as a vehicle to sell your products?

Mr Ireland: Basically, right now the Norfolk Fruit Growers Association has a stall at the farmers' market. We've been there for at least two, or maybe three years, and that's been the extent, certainly, of my involvement through the association.

Mr McLean: Have you any idea of the volume of business the food terminal does in a year?

Mr Ireland: Not really. I remember hearing numbers back a year or two ago, and I haven't had a chance to go through all the information Mr Carsley faxed to me yesterday. I went through some of it last night and I haven't seen any financial numbers.

Mr McLean: I would recommend that you review the report of this committee of some years ago, when we did the investigation into the food terminal. It would be good information for you to review. The revenues are about \$5 million there. There's a proposal by the ministry to have a checkoff for every farm that makes over \$7,000 a year. I'd like your opinion on that. Do you think that would be a good thing?

Mr Ireland: Is this the checkoff for stable funding?

Mr McLean: Yes.

Mr Ireland: I agree with the concept, yes.

Mr McLean: Okay. Gary, have you any questions?

Mr Gary Carr (Oakville South): Yes. Is there time?

The Chair: Yes.

Mr Carr: Thank you very much for appearing. I understand the vacancy was a fairly long period of time. Are you aware of how long the vacancy was?

Mr Ireland: I understand that the board hasn't met for approximately six months. How long it was before that I'm not sure.

Mr Carr: I know there's been some concern. Was it a case of trying to find somebody for your position? Maybe you could just fill us in on when you were contacted and let us know how you found out, because there are some major concerns that the board hasn't met and that there's been a long period of time, and there's been some criticism of the government for not moving more quickly on this. Maybe you could fill us in on exactly how you got to become aware of this and the whole process of how you came to appear before us.

Mr Ireland: I believe you're correct. I did hear the rumour that there was a complaint or criticism that it had gone for a longer period of time than they felt it should.

I was contacted by George Collins back, I would say, possibly in early to mid-June, somewhere in there. He called me one evening and I told him then I'd be back to him within a week to 10 days, to get a chance to think about it. I wanted to make some inquiries of some people who I knew had had some direct involvement with the food terminal over the years. I called George back about 10 days later and said that yes, I would consider pursuing and going through the process and seeing what happened. At that point I put together a résumé and faxed it through to his office. Then I was notified—oh, it went for a fair length of time, which he told me it probably would by the time it went through the process, so here we are.

Mr Carr: I take it you don't have any political affiliation with any of the parties, then.

Mr Ireland: No, I don't.

Mr Carr: One last question to you: In light of the fact that there have been some of these concerns voiced over a long period of time and that there have been problems there, when you take over, exactly what are you going to do? How are you going to approach it? Maybe you can give us an idea who you're going to meet with, how quickly, what some of the things are that you'd like to do immediately to sort of get back on track. Have you any idea yet?

Mr Ireland: First, I'm not aware of all the problems, just some of the ones that we have spoken about already. I feel that certainly the board should have an initial meeting quite soon and find out exactly what some of these problems are, and then plan a strategy as to how we're going to deal with them. Then, I guess, how often the board should be meeting: whether it should be meeting more often than monthly or whether that's sufficient. Certainly there should be an initial board meeting quite soon, I would think.

Mr Carr: Do you see having a real hands-on type of style, or do you see the management continuing to run it and you more or less taking more of an overview? How would you assess your sort of management style, if you could?

Mr Ireland: I guess the philosophy I've always taken, and I've been through two or three different hiring processes—different organizations—is that the management is there to run the organization, whatever it's running, and my position is an overseer. If there are problems, then I have to step in or the board has to step in. But I feel the

management basically is running the show. That's what they're there for.

Mr Carr: Good luck.

1030

Mr Jim Wiseman (Durham West): I have a quick question. It comes out of a concern that I have. If the total revenue from the board is \$5 million, the amount of money that is being spent on disposing of wastage is somewhere in the neighbourhood of between \$600,000 and \$800,000 a year.

Mr Ireland: I've heard that, yes.

Mr Wiseman: That's a lot of money to be used on wastage. I understand that at one point the food terminal had worked out a deal to compost the material and then turn it back to the farmers that were hauling in. Do you know whatever happened to that deal?

Mr Ireland: No, I don't. I did hear the figure that you're saying, \$600,000 or \$700,000 to get rid of the waste. I have not heard this about the composting, but certainly if that's feasible, that sounds like a good idea.

Mr Wiseman: My understanding was that the Metropolitan Toronto works department put an end to the deal because it did not want to forgo the money that would be raised by tipping the waste in the Keele Valley landfill site, that basically it was Metropolitan Toronto's hammer that came down on it.

There are some very innovative techniques that are being used now. I had the privilege of seeing a new composting machine that does about 300 tonnes a month. It will do about 150 tonnes in 15 days. It's split in half and it flips it over and it comes out nice and black at the other end. It's very good for compost in terms of cutting costs at \$150 a tonne for tipping. I would recommend strongly that you might want to look into that. That's an awful big slice of money coming out of a budget. It's all pretty clean compost. I don't think it would take too much to turn that kind of a budget item around.

Mr Ireland: I agree that is a large sum. I'm sure the new board will be looking at the options.

Mr Wiseman: I wish you a lot of luck on that one. I hope you can do it.

Mr Daniel Waters (Muskoka-Georgian Bay): I have a couple of questions. Is the membership of the board made up primarily of growers or farmers who supply the terminal?

Mr Ireland: I think there are two producers on the board, if I'm not mistaken.

Mr Waters: And the rest are?

Mr Ireland: There's at least one, possibly two wholesalers. I think there are two consumer reps; seven all told, I believe, at the present time. I think there are only two producers.

Mr Waters: Do you think that's a fair breakdown?

Mr Ireland: I think there was a proposal by the previous board to possibly have the size increased. I think that was one of the recommendations, if I'm not mistaken, that they had made. What happens with that, I don't know yet.

Mr Waters: I guess what I'm saying is, on the ratio of the people who produce versus other people, do you feel the board should be weighted in favour of the producer?

Mr Ireland: I guess, Mr Waters, all I can do is base it on my past experience. I know with the Ontario Apple Marketing Commission, the board has 23 directors, with 12 being producers. The producers might not necessarily make the best decision, but they do have the power to have the final say. I'm not saying that's always in the best interests of the industry as a whole.

Mr Waters: This probably could be seen as being off topic, but I'm curious about pesticides, because the terminal does bring in US and offshore produce. You, being an Ontario farmer, are very restricted in what you're allowed to put on your crop versus what some of the other people are allowed to put on. Is there any increase in regulations or scrutiny as to what's coming into this country and what is being used to irrigate it or to keep it pest free? I know in the past we have been getting all kinds of chemicals that we're not allowed to use. People don't realize that the produce that they're buying is—

Mr Ireland: Right.

Mr Waters: I just wanted your comment on whether that problem is being cleaned up or whether it's something that maybe the board could try to put some pressure on.

Mr Ireland: Certainly you're right. Sitting in Ottawa, on the National Horticultural Safety Net Committee, that's probably our main beef, the fact that we feel—I guess to put it bluntly—that's a ludicrous attitude on the part of our federal government, in the policy, that we can't use a certain product, but the product can come in, it being applied with that product because they come under a tolerance of 0.1 ppm, when they will not give us the same allowance to use that chemical if we can meet that tolerance.

We feel it's a very hypocritical attitude. How can you have one standard for our producers and another standard for product coming in? This is our complaint.

Mr Waters: I think the public is also deceived by that because they look at the Ontario standard or the Canadian standard—

Mr Ireland: Highest in the world.

Mr Waters: —and assume that all the produce they're buying, that apple or whatever it be, is grown in a manner that we would consider safe for human consumption. Indeed a lot of this product is not.

Mr Ireland: That's very true.

Mr Waters: Is there a possibility then of the board going to our federal counterparts and doing some lobbying to, shall we say, protect the consumer? That is part of what the board—I know that your function is to run the terminal, but the function should also, I think to a certain extent, be to make sure the terminal is indeed releasing or wholesaling produce that you feel is up to Canadian or Ontario standards.

Mr Ireland: I guess I would have to speak personally now. Obviously, I cannot speak on behalf of the board. I'm not sure whether this is getting away from the mandate of the board. If we get into an area where possibly we can

make a statement to help the situation, personally speaking, I'm strongly supportive of that because this is what we call a level playing field, which we don't have, not in this area.

Mr Waters: I've heard everything. I've heard a couple of reports that in the food coming out of Mexico, they're irrigating it with water that is polluted with chemicals that are carcinogenic. You wouldn't be allowed that.

Mr Ireland: No.

Mr Waters: Anyway, I wish you well. It's an interesting place. I know different people who work there and I wish you well. I hope that there may be some way that you can get some justice in there for the small person. If it's \$1 million to rent a unit in there, then we have to find a way to better assist the small farmer and the family producer.

Mr Ireland: I totally agree.

Mr Wiseman: That's just to buy the right to rent the unit, it's not the rent. It's the bidding to get into there that's the million bucks.

The Chair: Mr Frankford, you have a minute and a little bit left.

Mr Robert Frankford (Scarborough East): This is something I know very little about, but there's more exotic produce, particularly with the changing population we have here. How does this fit in with the food terminal? Can it be restricted or does it come in easily? Can you comment?

Mr Ireland: I guess, Mr Frankford, the only comment I could make would be that it would depend whether some of those exotic products can be supplied in the domestic market. I guess that if not, then it would be imported product. I know there are producers looking at alternative crops, certainly in my area. They're looking at a lot of these crops, but most of them are being done, certainly at the moment, on a small scale until they can maybe prove that it's economically feasible to get into it on the larger scale.

Certainly I would think if it can be done domestically, then there's a place. But if the domestic market can't supply it, then obviously it's going to have to come from imported product.

Mr Frankford: Do you feel this is something that you would be able to encourage through the food terminal or is this peripheral to—

Mr Ireland: To be quite honest, I don't know at the moment.

The Chair: That concludes the review, Mr Ireland. Thank you very much for your appearance here. Good luck.

Mr Ireland: Thank you very much. Once again, I apologize for being late. I forgot about construction and trouble parking.

The Chair: Better luck on the trip home.

Mr Ireland: It's always faster.

1040

LORNE MITCHELL

The Chair: Our next witness is Lorne Mitchell. Lorne, would you like to take a seat? Welcome to the committee. Mr Mitchell is an intended appointee as a member of the Northern Ontario Heritage Fund Corp

board of directors. He was selected for review by the government party. Mr Wiseman will begin the questioning.

Mr Wiseman: Thanks for coming; it's nice to see you. Could you tell us a little about what the northern Ontario heritage fund is in fact to do and how you feel you'll be able to contribute to the success of its mandate?

Mr Lorne Mitchell: It's my understanding that the heritage fund board is to provide assistance for local economic initiatives in northern and northwestern Ontario, community-based. I've been involved in community developments since 1985, involved in the Metis and Non-Status Indian Association and now as the general manager for the Metis and Aboriginal Development Corp. We're involved in creating alternative economies to work towards economic development and self-sufficiency in our community. The heritage fund board, as far as I understand it, is put in place to provide support to projects such as these and others that may come forward.

Mr Wiseman: Could you describe what ideas you might have about creating alternative economies in the north?

Mr Mitchell: You look at the resources that are available and how you utilize them and how you manage and co-manage them. We've taken control of resources in our community, which are wild blueberries, cranberries and, in future years, probably different types of mushrooms that are edible. We harvest and market them fresh and also frozen, the blueberries mainly in Winnipeg; the city of Winnipeg is our main market. We have a frozen market in Parry Sound with Crofters organic foods and also the jam plant that is now under construction in Perrault Falls.

Mr Wiseman: How would this fund assist the kind of endeavour you're talking about?

Mr Mitchell: It assisted us in putting in place a freezer and cooler facility in the town of Wabigoon. Last season we could have harvested 50,000 to 60,000 pounds of blueberries had we had this facility in place, but we had to shut down operations for lack of capability of retaining any volume or product. Of course this year, with the weather the way it has been, it was a total washout, but next year we're looking at building to where we're in volumes of 50,000 to 60,000 pounds.

Mr Wiseman: You said this year was a washout. How much did you get this year?

Mr Mitchell: Basically, the amount of product that was available didn't justify a viable commercial operation, so the operation was shut down quite early.

Mr Wiseman: Could you perhaps give us some of your history of your involvement in the community?

Mr Mitchell: It began in February 1985, when I was elected the president of the association. We started from a converted chicken coop and a \$14,000 deficit to now owning and managing a \$500,000 cultural centre which receives no outside injection of cash anywhere, public or otherwise. It's totally self-sufficient.

In 1989 we formed the Metis and Aboriginal Development Corp to work towards creating an economic base for the community and work towards becoming even more self-sufficient as a community and as a people, where we

have in excess of 90% unemployment and welfare. This is my third year as general manager, but now I'm under a contract from the parent association, as it was very difficult to run as the president and also act as the general manager for the business corporation.

Mr Wiseman: Thank you. I think one of my colleagues wants some time.

Ms Jenny Carter (Peterborough): I get the feeling that you're interested in small-scale, sustainable developments rather than what you might call the big industrial things. I just wondered what your perspective is on the prospect of more hydroelectric developments in the north. I know we've got quite a few already, but there's a question as to whether the Moose River basin should be developed further, and I think there's one on Little Jackfish River and so on. In light of what you tell me about that, what do you feel about power supplies and whether there might be other ways in which industries in the north could be powered, maybe through solar energy, use of biomass, vegetable material, that kind of thing? Do you have any comments on that?

Mr Mitchell: My main interest has been working with our development corporation and also the alliance we have formed, working towards the initiatives I spoke about. I haven't really been involved with the evolution of Ontario Hydro and its intentions in the north. I've heard different discussions and different views from different people, depending on where you live, about putting a dam in an area where it's going to flood a resource; for example, if Ontario Hydro wanted to put a dam in, say, where our harvesting sites may be and flood the whole thing.

Ms Carter: So it can damage the kind of enterprise you're involved in.

Mr Mitchell: It could be devastating to the environment, yes, and living in the present-day economy, being held ransom by multinational corporations, I think that's the end, because how long can these corporations continue supporting the grass-roots people?

Ms Carter: So you'd be interested in things like solar cells and so on that would give you the ability to have power in your own areas that would be independent.

Mr Mitchell: I would think there would be alternatives to supply the need for the hydro or whatever else, provided people want to take the energy to look into it, I guess.

The Chair: Any additional questions?

Mr Waters: Yes. I work with the Ministry of Tourism and Recreation, so I would ask if you have any ideas on how you would enhance tourism and recreation through the heritage fund. Certain areas of the north aren't doing too badly in that, but there are a lot of outlying areas, probably your home town as well as some of the little, wee places here and there, that really need a helping hand.

Mr Mitchell: Definitely, especially in the smaller towns where there are very few activities at the present time. Certain initiatives have been taken in certain areas to put in recreational facilities. To my knowledge, the Ministry of Tourism and Recreation has been an active player in north-

western Ontario and the north in attempting to provide these services that I think are vital to the community for both the youth and the elders.

Mr Waters: I'm curious about the blueberries. I represent Muskoka, and we have, shall we say, many blueberry stands throughout Muskoka. Obviously the days of picking blueberries in Muskoka are pretty much gone, so I'm assuming they're your blueberries that come in for the most part. Being next to Parry Sound, I imagine that's where they would come from. I'm curious about how you do it. Is it still done by hand?

Mr Mitchell: It's all handpicked. Blueberries are wild. They're not cultivated in any shape or form. It's also certified organic by the Organic Crop Improvement Association. We formed our own Anishnawbe chapter of the OCIA, of which I am president, to ensure there are no pesticides or chemicals whatsoever that go into that product; any product that gets overseas in the alternative trade organization we are involved with throughout the world is 100% guaranteed that there is no use of pesticides or fertilizers in our product.

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Mr Waters: So although they grow wild, you actually do try to, shall we say, keep the patch?

Mr Mitchell: That's correct. There is an enormous amount of paperwork that goes into ensuring that in fact these are certified organic, but we ask a premium price for the product and, if you want to play the game, play by the rules. A lot of the European countries insist that the OCIA stamp is on every box or container or jar that goes into the European market.

The Chair: I'm sorry, Mr Waters. That concludes the time allocated.

Mr Grandmaitre: I can recall back in 1988, when the corporation was created, the main purpose of the corporation was to diversify northern Ontario. Do you think this corporation has fulfilled its mandate?

Mr Mitchell: I don't think any corporation or system that's put in place ever fulfils its mandate. I'm not going to live long enough to fulfil mine, but I think it has certainly made an attempt in that area to work with the communities and individuals at least to start to diversify the economy of the north and northwestern Ontario.

Mr Grandmaitre: A lot of critics of the program when it was first instituted back in 1988 and even today are criticizing the corporation for acting as a bail-out agency. Do you agree with this?

Mr Mitchell: It certainly hasn't bailed us out in any way. I can't speak too much on a bail-out situation. I haven't seen that in my involvement with the corporation.

Mr Grandmaitre: When you look at the figures from 1988 to 1991-92, just to give you an example, the number of projects in 1991-92 was 261 as compared to 191 in 1990-91, yet in 1991, \$375 million was invested in different projects and in 1992 only \$101 million was invested. That's a decrease of \$275 million.

Do you think we should have done more for northern Ontario? Because you've only protected jobs, you've only

maintained jobs; you haven't created too many new jobs in northern Ontario, and that's the purpose of the corporation: to create jobs and to create new programs. Yet the corporation hasn't done this. It's maintained 3,000 jobs, and that's it, so it must be a bail-out if it's only maintaining jobs instead of really creating jobs in northern Ontario, because you are really affected when it comes to unemployment.

Mr Mitchell: Certainly we are. But I think the corporation was set up to enhance the various areas and different communities, in this case, northwestern Ontario and the north.

The decisions on what happens in these areas and what resource is going to be utilized I think remains a decision of the people who live in these communities. Corporations, I think, are set up to assist the different structures and infrastructures that are going to be put in place in these different communities.

I don't think anybody sitting in a corporation or on a board or anywhere else can wave a magic wand and pass a miracle policy that's going to fix everything. I think people have to be given at least an alternative to the way they're living now, especially if they're living on very low incomes, as a lot of people are: unemployment and welfare. I think it takes time to initiate certain projects in certain communities based on what the people there decide to do.

At the present time, a lot of our economy is based on what the multinationals are doing; \$50 million was just pumped into a mill in Dryden. It shut down for two weeks last month, and in October, 56 people going to be laid off permanently. So what did that \$50 million do?

Mr Grandmaitre: I realize that you can't shake a magic wand and create new industries. I realize this, but my biggest concern is that over last year, this government spent—I shouldn't say "spent," but its total investment budget was \$275 million down. Instead of creating jobs, they spent less money, \$275 million less.

Mr Mitchell: Again, I can only speak on where I'm coming from, what's been my involvement in the last seven years, my understanding of where the grass-roots people are, what the situation is in my communities and what we're planning on doing to change them.

Like I say, everything you put on paper doesn't fly. I think that more work has to be done in the communities, at the community level, with the people who reside in these communities if we're ever going to come out or change anything that's existing today. Whether you talk \$200 million or \$100 million or whatever, a lot of the time money isn't the issue when you're talking about community building and building a better quality of life for the people who are in these communities.

Mr Grandmaitre: But you'll agree with me that you have to invest money if you expect this corporation or these programs to be successful. Now that you will be a member of the corporation, what are your thoughts on improving those programs?

Mr Mitchell: Basically, I don't intend to change anything I have been doing in the last seven years, and that's working with the grass-roots people, building on their initiatives, building on their decisions and working with

them to help create a better quality of life for them and our children to follow. That's what I'm all about, and I don't intend to change that in any way, shape or form, except to maybe bring new ideas to the board, new initiatives, new ways to approach different issues and policies; whatever it takes to fulfil the mandate, as you say, of the corporation.

Mr Grandmaitre: One last question: Do you think this government or previous governments—go back 20 years if you want to—have been fair in their investments in northern Ontario?

Mr Mitchell: I haven't been keeping up with the government for 20 years.

Mr Grandmaitre: Ten years, then.

Mr Mitchell: From my understanding of, as I said, how the economy works and how the system works, I think it's up to me, as a grass-roots representative—it's up to us to dictate how we want to live and how we want to shape our future. It's not up to the government.

Mr McLean: Welcome to the committee, Lorne.

Mr Mitchell: Thank you.

Mr McLean: Whereabouts is your home close to? Is it close to Kenora or Thunder Bay?

Mr Mitchell: It's approximately 200 miles west of Thunder Bay and 100 or so miles east of Kenora. It's in the Dryden area, 20 kilometres east of Dryden.

Mr McLean: Where does the committee meet?

Mr Mitchell: It's my understanding it meets in Sudbury and in various communities in the north and northwestern Ontario.

Mr McLean: How often does it meet, do you know?

Mr Mitchell: Every four to five weeks, approximately, or nine times a year.

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Mr McLean: The chicken coop that you converted into a cultural centre, what was the cost of that?

Mr Mitchell: The chicken coop or the cultural centre?

Mr McLean: Well, both of them. What did you pay for the chicken coop?

Mr Mitchell: The chicken coop was basically erected by volunteer labour, and we tore down another building to erect that one in the late 1970s or early 1980s, I believe. So basically it didn't cost anything except for the roofing. The cultural centre, I think it cost in the neighbourhood of \$400,000 to build.

Mr McLean: And where did that money come from?

Mr Mitchell: Two hundred and fifty thousand dollars came from a native community branch, \$65,000 came from the Ministry of Tourism and Recreation and \$65,000 came from cash, borrowed money and donated labour from the association itself.

Mr McLean: So it's all paid for now.

The laundromat business that you were in, did you get a loan to establish that or a grant?

Mr Mitchell: It was grants, loans and cash.

Mr McLean: How much of a grant would you get?

Mr Mitchell: One hundred thousand dollars, and the Royal Bank mortgage of \$45,000.

Mr McLean: And the storage facility for blueberries?

Mr Mitchell: We applied to NODC, Northern Ontario Development Corp, for that facility. It was 50% performance grant and 50% loan.

Mr McLean: Does Nordev work in cooperation with the Northern Ontario Development Corp?

Mr Mitchell: Not to my knowledge. Nordev is a federal program, is it not?

Mr McLean: Yes.

Mr Mitchell: Not to my knowledge. They may work together. I have no recollection.

Mr McLean: Your appointment is mainly to the Northern Ontario Heritage Fund Corp board of directors. When we see the word "heritage" in there, does that mean that its efforts are mainly directed to maintaining the heritage of the community by way of maintaining the buildings and what you have done in the community?

Mr Mitchell: I guess it could have some part in that, but I don't see the board—if I understand what you're saying correctly, that it goes to maintaining the upkeep of the cultural centre, I'd have to disagree with that.

Mr McLean: Establishing heritage—

Mr Mitchell: Establishing heritage, establishing different ways that people look at themselves and each other, I think, is more along the lines of what the heritage fund board is supposed to be about.

Mr McLean: I'm just curious about why there has to be a heritage fund corporation board of directors. Do you think it's necessary?

Mr Mitchell: What they're trying to do is bring different people together with their ideas, initiatives and energies to try to make things work more effectively and efficiently for the people of northwestern Ontario, in the north, and on that basis, I would say, yes, we need a board of directors to do that.

Mr McLean: I wish you well.

Mr Carr: Thank you for appearing, Mr Mitchell. I was interested in the process of how you came about with this. How were you approached regarding this job or did you approach them or how did it happen?

Mr Mitchell: I was approached by our MPP for Rainy River. He's been involved in our community, in the vision of our community, since 1987, and over the years he's been a part, more or less, of the evolution of the community and been involved in the works that I've done, who I represent and how I represent them. I guess he felt that I'd be a likely candidate to sit on the board to represent the people of northwestern Ontario.

Mr Carr: But your involvement with him wasn't political, like you're not a supporter?

Mr Mitchell: Well, not political. I'm not a politician. I'm a grass-roots representative.

Mr Carr: You're not a member then of the NDP?

Mr Mitchell: I'm a member of the NDP, yes.

Mr Carr: How long have you been involved in the politics or the political process? How far back does that go?

Mr Mitchell: I more or less involve myself with the people whom I represent and where I come from and let the politics take care of itself.

Mr Carr: Formally, as a member of the NDP, how long have you been involved with it?

Mr Mitchell: I became a member a couple of years ago, I believe, two years ago. I can't remember exactly when I joined.

Mr Carr: With regard to what you see happening, I noticed that on a couple of occasions you talked about multinationals and problems with that. I was wondering, in terms of specific numbers, how many jobs you see need to be created there and how you are going to see them. Do you have any specific targets of what we should be looking at in terms of the number of jobs created, and where do you see them coming from? I was wondering if you could maybe be fairly specific. I know what you've talked about now is some of the industries, but do you have a real idea and plan of what you would like to see in terms of the number of jobs and how we're going to create them?

Mr Mitchell: Are you talking about our development corporation?

Mr Carr: Yes. How are we going to help your community with the number of jobs we need? You mentioned that a number of people are on unemployment and social assistance. If it was up to you and you could make the decisions, specifically how would you help them if you could? Be as specific as you can.

Mr Mitchell: It's pretty hard to be specific, with an exact number of how many people and how many jobs I want to create. In an average harvest there are 40 to 50 families affected that subsidize their incomes. There's an office worker who's in place on a part-time basis. We have a person who drives a refrigerated vehicle during the harvest and into the rice harvest.

Our future plans are to establish an organic fresh-frozen product in the marketplace. That would include installing a blast freezing facility, and realistically may include up to eight to 10 people working full-time in the facility.

If we can create eight or 10 permanent, full-time positions over the next three, four or five years, and also part-time employment that is created during the harvest seasons and also the benefit that goes to the harvesters themselves, I would think that would be at least a start in the vision I have for the development corporation.

Mr Carr: With some of the money you got that you talked about and some of the grants and so on, you wouldn't have been able—you talked about the successes you've had. Without that, do you feel you would have been able to do it? In other words, without that, would you have been able to be as successful as you say you have been?

Mr Mitchell: Without the assistance of the NODC, at least for this year there wouldn't have been a freezer and cooler facility in place. So I would say that yes, it had a lot to do with the assistance we did receive through the Northern Ontario Development Corp and, coupled with that, the

support we do get from the Royal Bank in terms of putting operating lines of credit in place for purchasing and other things that come up before and during the operations. It all pretty well makes for a successful project. The only things that stopped it this year were the elements and the weather. Those we have no control over—at least I don't, anyway.

The Chair: Thanks very much, Mr Mitchell. That concludes the questioning. We appreciate your coming down here. It's a long haul from that part of northwestern Ontario. Someone suggested you started out without a moustache, but I know that's not true.

Mr Mitchell: Yes, and by canoe too.

The Chair: It's a long way, but not quite that far. In any event, we certainly appreciate your appearance and wish you well.

Mr Mitchell: I'd like to thank everyone for having me here today. I've enjoyed the questions and I hope you enjoyed the answers just as well.

The Chair: Good luck.

Mr Wiseman: I think you gave us the perspective that we needed.

1110

KEITH HAMBLY

The Chair: Our final witness for this morning is Keith Hambly. Welcome, Mr Hambly. Am I pronouncing that correctly?

Mr Keith Hambly: Yes, that's correct, Mr Chair.

The Chair: Mr Hambly's the intended appointee as the vice-chair of the Ontario Film Review Board. This is a half-hour review, and the review was the selection of the government party, so Mr Wiseman will begin questioning.

Mr Wiseman: I'd like to begin by asking you a question about the criteria that will be used, and perhaps you could give us a very brief outline of the criteria that are used to evaluate films.

Mr Hambly: Basically, there's one rule of thumb, I think, in the past few months that I've been on the board that we try to follow: We view each film and each video in its context. It's very easy, I think, to have a knee-jerk reaction, so to speak, when you see a movie or scenes of a movie that are certainly taken out of context.

Legally, we are required to follow the Theatres Act. I could go into great, gory detail, but I think basically we follow the Theatres Act in terms of the violence. Certainly the pornography is a big issue, and in the past few years we have been allowing that type of film through. We follow the Butler decision, the recent Supreme Court decision in terms of degradation, humiliation, as well as respect to minors, and we do not allow those films through.

First-run movies or run-of-the-mill types of movies: Again, we judge by context. We have criteria or standards ranging from family-type movies all the way up to restricted movies, and in each of those movies there are varying degrees of violence, sexual content, if you will, or lack of it.

Language is another criterion. If it's a strong element or a dominant element with the movie, the panel again

looks at the movie to determine whether or not that dominant element should be flagged or what we term as flagged, and there are a number of information pieces that the film board has at its disposal, ranging again from coarse language to violence, sexual violence, graphic violence, martial arts violence, mature theme. In a nutshell, those are the criteria by which we judge or rate a movie or video.

Mr Wiseman: Why would anybody want to sit there and view these films? Why do you want to do this?

Mr Hambly: I think it's important. As you probably gathered from my résumé, I am a member of the gay community in this province and I felt it was important. This is why I applied for the position so that there should be some visible representation at least from the gay community on the film board to provide the film board with the perspective of the gay community. That was a big thing for me.

Your question, why would anybody sit through all these movies: That's part of the territory going with this job. You have to accept that and it's the luck of the draw what movies you see on any given day. It could be pretty schlocky videos to first-run movies. It's run of the mill, but every movie and video has to be viewed and rated by a civilian board to provide community input as to what community standards should be vis-à-vis movies and videos. That's the mandate of the film board. It's a tough job, yeah.

Mr Wiseman: My next question is, there's a considerable debate going on and raging among people who are trying to evaluate the impact of violence on the behaviour and attitudes of young people. Do you, as a board, sit down and discuss this material and re-evaluate the way you view films, based on the debate?

Mr Hambly: We continually talk about it, both within our own panels—our panel is made up of three people: two members and a vice-chair. In the general sense, we do have our regular board meetings where the entire board, including the board chair, sits down and discusses issues. There's also a committee called the issues or policy committee, which I was elected a couple of months ago to sit on, and there we discuss issues such as violence, certainly violence against women, any range of issues that we as representatives of our various publics, if you will, bring to the film board and hopefully discuss in a very thorough manner the pros and cons of whatever the debate may be.

As well, we try to bring in people, and I know the board chair brings in people who are experts or have a certain opinion on various subjects, and that again sparks debate within the board itself. From there, we develop policies or we develop new information pieces or expand on the meaning of violence and what not.

Mind you, there's only so much the board can do. Since I started there, that became abundantly clear. You can't change the world overnight. I think the minister actually said—I didn't hear her say it, but I heard somebody else say that you can't change Hollywood. We're just one board out of hundreds of boards around the world. Our best job is to inform the public, to make an educated choice as to what movies and videos they see. There's the question of enforcement. What enforcement mechanisms

does the board have at its disposal? We leave it up to the politicians to determine that.

Mr Wiseman: I'm going to allow my colleagues to ask questions, but I have another one at the end, if there's time left.

The Chair: Mrs Carter and I think Mr White had a question as well.

Ms Carter: You spoke to some extent about your criteria, but this is a question obviously that's been hashed over a lot and it's one that interests me: where you draw the line. I remember the controversy some time ago about the movie *Not a Love Story*, which had what you might call an educative function. It was set up to be something very good and useful, but it included material which was to show you the kind of thing you don't want, and therefore the whole thing got banned. I was just wondering how you'd see your way around that kind of situation and also how much you take into account what you might call the artistic merit of a production. For example, *Lady Chatterley's Lover* was literature; something might be less offensive to some people but of no particular artistic merit. Could you tell us a little bit more about your criteria?

Mr Hambly: In view of films or videos that would be educative, if that's the word we want to use, we have to take that, again, in context and also where this movie's being shown. I was certainly not on the board when *Not a Love Story* went through, and I think times have changed since then. In fact, I remember seeing it in high school.

I think a more recent debate centred on *The Accused*, a movie starring Jodie Foster, where there was a very graphic scene of a gang rape. I was not on the panel, and again it was before my time, but the debate centred on what this movie should go as or what rating. Because of the educative value and the forcefulness and the message that the movie was trying to get across, we have to take that in context and review it as such.

We put the appropriate information pieces as best we can on those movies, and again we're just one board, and the panel itself is one panel of three. Each member can call for what we call an accumulative vote, bring the movie back or the video back to be discussed by a larger group of five members, and there the debate sort of expands, if we think it's a movie that would be controversial in that sense. It's more of a judgement call on that.

Also, the film distributors have the right to appeal a decision and they bring it back for an appeal process, at which a new panel views it or a new increased number of panel people view it.

1120

Ms Carter: Would you say that there's a move to discourage violence as opposed to discouraging sexual content, which might be non-violent?

Mr Hambly: As you know, "sexual content" is an information piece we certainly do apply to first-run movies. As you know, adult sex videos are available and passed by the board under the guidelines, not only of the Butler decision but also under the Theatres Act, of what is allowed and not allowed and there are eliminations made or the distributors are requested to make those eliminations. I

throw it back to the politicians again. It's a matter of enforcement. We're just one board that would make that decision.

The Chair: Mr White, you have 20 seconds.

Mr Drummond White (Durham Centre): I'm interested in your perspective as a member of a number of gay groups and organizations. Two things: First off, how would a film which in any way depicts male homosexuality be viewed; and second, I'm interested if you have any experience in that regard. For example, there's a film entitled *Edward II* which has a certain gay background but certainly also has cultural values, being a Marlowe play. What is your perspective there?

The Chair: Very briefly, Mr Hambly. We're over time.

Mr Hambly: First of all, I would view it in its context. That's the number one rule we have. I view it by the criteria that is laid out by the film board and by the information pieces that are at the disposal of the film board. Briefly, that would be how I would judge it and put it in the context and apply the appropriate pieces.

The Chair: There are other questioners.

Mr Remo Mancini (Essex South): You've been on the board a period of time?

Mr Hambly: Since January.

Mr Mancini: Have you had a chance to review the difference between how the Ontario Film Review Board and other such agencies across the country work? What would be the major differences?

Mr Hambly: I haven't personally had that opportunity. I would think nobody on the board has, except for the board chair, who has travelled and is required to meet, I would imagine, his counterparts across the country. We do try to keep abreast with what's happening with other boards and jurisdictions and meet with them to exchange information basically. I think that is the sole responsibility of the chair.

Mr Mancini: In trying to keep abreast with how the other boards work, could you tell me what the main differences are between how the Ontario film board and some of its counterparts in other provinces work? Do you know of any major differences that come to mind at the present time?

Mr Hambly: The processes, I think, are very similar. It's a civilian board. Obviously, everybody's aware of Project P within the OPP and the recent court cases revolving around distributors or people who own video stores. I'm aware that happened in British Columbia, but I'm not aware of it happening in other—

Mr Mancini: But you can't tell us this morning about any specific major policy differences between our board and, say, the board in British Columbia or Quebec.

Mr Hambly: Other than philosophical differences, I think Quebec traditionally has allowed a lot more and is a bit more lenient in the sense of its ratings. I think we, as a board, are far more critical and more thorough to a certain extent as to how a rating would affect the general public in terms of its information value and whether we are giving enough information to the public to make a decision.

Mr Mancini: What different responsibilities does a vice-chair have as compared to just a member of the board?

Mr Hambly: The biggest responsibility is to facilitate discussion among the board members. A decision by the chair is usually the last decision made during the discussion. You basically facilitate and weigh the pros and cons of a movie, particularly a borderline movie, between A or restricted. Within a debate after the movie, the other two members are allowed to and will say what they feel about the movie, what things they saw, what things were dominant elements. The board chair will at the end of it enter into the debate and talk about it, "Okay, did we see this, or X or Y? Did we take that into consideration for an information piece? Is it warranted here or is it not warranted?" and also provide as best we can a certain amount of historical background.

Mr Mancini: So basically you chair the meeting?

Mr Hambly: Yes, it's chairing the meeting, basically, as well as doing the paperwork that's involved in it.

Mr Mancini: I'm very concerned about a lot of the unnecessary violence we see in many films and movies, and I was wondering what your opinion on that is.

Mr Hambly: There is a lot of unnecessary violence and what we would call gratuitous violence. Again, I work within the guidelines we presently have, and certainly we are aware of the public's concerns for violence and we are currently in debate about, how can we best provide information to the public to flag them?

Mr Mancini: I'd like to know a little bit about your record, since you have served for a period of time on the board. Are you on a regular basis objecting to this gratuitous violence, or are you on a regular basis nodding approval and letting it go by because there might be some people in the community who might appreciate viewing this gratuitous violence?

Mr Hambly: There is—I guess it sounds rather facetious in this context—artistic merit. I would allow it through, yes, but with the appropriate and adequate information pieces that would be available there. As I keep saying, we're always open for more information pieces that would best reflect what the public wants.

Mr Mancini: You see, I'm concerned about that. If you felt the violence was unnecessary and gratuitous, whether it's some type of karate action or whether it's violence against women or children, I was wondering why you would nod approval if you found it didn't meet your own standards, so while we have you there to—

Mr Hambly: Personally, I've not seen any violence, certainly gratuitous violence, against children in any movie, and there are mechanisms within the act that would not allow that, which we're required to cut or make eliminations.

Mr Mancini: I'm not trying to disagree with you at all, but I sat on a committee a number of years ago when we reviewed the work of the film board and we—Mr Wiseman—actually went down there and saw some of the cut-outs. We didn't see any of the movies. We saw the cut-outs, which probably wasn't the best way to see things because you have to see everything in its full context, but I'm of the opinion that there is a lot of unnecessary and gratuitous violence.

I don't believe the act really deals with it and I don't believe the act can properly deal with it, and I think that's why the film board is there and that's why we appoint people such as yourself to kind of look at things and make a decision as to whether or not this would meet some type of community standard. So I'm a little bit concerned that you would see violence and maybe personally object to it and then nod approval. I think you're there to do otherwise, and I'd like to know from you whether or not you've rejected any type of violence you've seen during your tenure as a member of the board.

Mr Hambly: I share your concern, but I respectfully say I'm not nodding it through; I'm nodding it through with the appropriate pieces of information.

Mr Mancini: Can you tell us whether or not you've objected—

Mr Hambly: There was one case on which I sat on appeal, I think very soon after I started—there's a learning curve involved with any board you sit on—and yes, I was really offended by the amount of violence and the gratuitousness of it, and I voted for—

Mr Mancini: Can you tell us what type of violence that was?

Mr Hambly: It was a slasher movie, sort of like a Friday the Thirteenth type of thing, only much worse, and that is something that really bothered me and it really questioned my own values of artistic merit and what not. I'm on record at that point of not allowing it through. It was an appeal vote of I think five of us on that, and because it was so gratuitous—and that is frankly the worst I've seen at that board, and that was early on.

1130

Mr Mancini: Is that the only case where you're on record as objecting to extensive violence and also gratuitous violence?

Mr Hambly: Yes.

Mr Mancini: Have your colleagues on the board made objections to this type of violence?

Mr Hambly: Some have, yes. I've not sat with all members on the board in a panel situation.

Mr Mancini: I'm sorry I'm not familiar with the movie that the gentleman officially objected to, so I can't make any comments about that. I don't know if my colleagues have questions. Do you have questions?

The Chair: One minute left.

Mr Mancini: I just want to wrap up very quickly by saying I think your appointment to the board is a very important appointment. Visual impact on all people has a profound influence. There's already far too much violence in our society, and I would hope that you would recall that during your review of these films. It's not necessary to have movies where we have violence for no good reason other than somebody thinks it might appeal to a very narrow group in society.

Mr Hambly: I would also invite the public to make those—

Mr Mancini: I'd like to turn it over to my colleagues.

Mr Grandmaitre: One short question: I know it's out of your jurisdiction, but I was somewhat surprised when I was going through my notes last night about the distribution and the production of Ontario films which are being, I guess, prohibited to be viewed in the province of Ontario. Are you familiar with this?

Mr Hambly: Can you expand on that?

The Chair: Sorry, we're over the time. We don't have an opportunity to expand on it. Perhaps the following questioner. Mr Carr.

Mr Carr: Thank you for appearing. I notice on your résumé that it says you've canvassed and have coordinated fund-raisers in some of the elections: municipal, provincial and federal. Was that with the NDP?

Mr Hambly: No, actually, it was not.

Mr Carr: Which party would it have been with?

Mr Hambly: I vote and work for the person I think is the best person to represent me in whatever office, whether it's municipal, provincial or federal, and that person may be NDP, may be a Liberal or may be a Tory.

Mr Carr: I'm thinking provincially. Who have you worked for provincially and what was the party affiliation?

Mr Hambly: Who have I worked for? I've worked for both the Liberals and the Tories, actually.

Interjections.

Mr Carr: No, I'm just asking the questions, you guys. Who are the members? Do you remember?

Mr Hambly: The first one I was involved with was Nancy Jackman.

Mr Carr: That was in Toronto?

Mr Hambly: That's right.

Mr Carr: Originally, how did you find out about the job?

Mr Hambly: I knew that any government position is up for applications. Movies are a bit of an interest for me and I was encouraged to apply by a number of people.

Mr Carr: One of the concerns the people have in the community—I'll give you an example. There was, I guess, a video store that had some things that people were concerned about, and they called the police. The police say the crown has to lay the charges. We spoke to the Attorney General and brought it up. He said it's up to the police to lay the charges, that they can lay the charges if they want. The police say, "No, we usually check with the crown to see if there is another"—basically handing it back and forth.

Do you believe the police should be able to lay charges on something that you've passed and, say, in the community of Oakville, my area?

Mr Hambly: I find it rather ironic. You have one arm of the government, such as the film board, and then another arm, however distant, the OPP, arresting people or what have you, in this case video store owners, and taking videos allegedly passed by the board. I have not seen these movies and I'm not even sure what things were offensive or "obscene." Personally, I think a civilian board should have the power and the final say in such matters. That is

why we are appointed. For better or for worse, we are representatives of the communities in Ontario.

I find it difficult to understand why the police are arresting video owners because they have videos that have been previously passed by the Ontario Film Review Board. I have no objection to people being arrested if there are videos that aren't, or are altered; I don't know if it's in the courts at the moment, I'm not sure. Also, videos like underground videos—we're all aware of the underground pornography videos that are out there. Most things we never see, particularly the violent stuff. We never see that.

Mr Carr: I was thinking of the ones that were being sold and so on. So you believe you should be the final authority?

Mr Hambly: Yes, if we are to have a civilian board. What's the point of a civilian board if we don't have that type of authority over it? Currently, I think you're well aware that the board itself is being reviewed by the Ontario Law Reform Commission.

Mr Carr: Specifically, with your background, coming from the gay community, what concerns or complaints have you got specifically, representing that community, about what's maybe happened? Is there anything in particular?

Mr Hambly: There's an impression, and rightly so, that in the past, particularly for movies dealing with gay content or gay and lesbian content, that they were somehow bumped up on the rating scale or cut in some cases. I'm talking about first-run movies. Somehow the panel was not viewing it in a very objective manner, was letting perhaps some of its biases come through. I haven't seen that yet, because I haven't seen that many, to be honest.

Also, there's a need for a voice from the gay or lesbian community on the government panels, regardless of what government is in power and regardless of what panel. We are a community out there like any other community and one that is increasingly being heard in many different ways. I think the film board is just one more example of that.

Mr Carr: Specifically, on this board how would you apply the gay and lesbian perspective to this position? Specifically, how would you do that? Would it be informing other members? How would you do it?

Mr Hambly: They may have questions about the content of a movie: Does this actually happen in the gay or lesbian community? Or I would add my perspective as to whether people would view something as homophobic or something like that, or even within the discussions, panel discussions to identify rather homophobic statements, which do happen, whether intentionally or not intentionally. That may skew the decision of the panel in terms of how it would rate a movie.

Mr Carr: As you know, one of the concerns that has been raised, and it is along the lines of before, when they talked about police laying charges, is community standards in different areas in communities. If you're saying that you should have the final authority, what happens now?

For example, in the incident I explained to you, they called the police because they were upset, I think mainly because a lot of people don't know the process. How could you see the process being improved and what would you

like to see, so that if somebody in Oakville, for example, is concerned about something, rather than calling the police who then say, "We can't lay charges," this back and forth, is there anything we can do to streamline it, to make it so that we have community standards on some of the concerns that have been voiced by some of the members on some of the problems, whether it be violence or whatever? How do you see that happening? The basic problem right now is that the general public doesn't feel like they're being heard. Is there anything you could see being done to alleviate that?

Mr Hambly: I think the best way, in any circumstance where you have that situation of people wandering around and not knowing what's up, is better communications, better information available for the public to have access to, whether that be in first-run movies when they call up—and sometimes when they call up a theatre, the theatre manager doesn't even know that such and such is R or AA or something like that; they may not know the information pieces.

Maybe they can have some way that we have a better access number or what have you, so that people would have easy accessibility to not only the ratings, but also easy accessibility to the board over its policies, what are the guidelines, and if they are very keen, certainly to come in and talk to us, either as an individual or as a group. That has been done before and continues to be done, and each member—

Mr Carr: Is there a formal process for that to be done now?

Mr Hambly: They obviously would call the minister. That seems to be the first place anybody would call.

Mr Carr: Or their MPP.

Mr Hambly: Or an MPP, or what have you. I would encourage them to contact the board chair or the board itself and arrange for time to come in or for a member to go out and speak to the group.

Mr Carr: But that doesn't happen now.

Mr Hambly: Yes, it does.

Mr Carr: Very regularly?

Mr Hambly: It happens regularly. I've only been invited to go to one. The board chair gets a lot of requests for general information. He usually handles it over the phone. That's enough for that, but if there is a group that wants a meeting, it will get it. We will explain as best we can the process the board makes its decisions in, the legal guidelines we have to follow and all that sort of thing.

Mr Carr: One of the problems with what's happening now, and specifically, when you're saying you feel the board should have the final authority, the big problem is almost like a politician's. How do you keep in contact? Right now we do it because most of us—and I'm not saying it's the same thing—have regular meetings on Friday and have regular feedback.

One of the concerns I have is that somebody like yourself comes on the board and doesn't have the regular feedback on what's happening in the community without some type of formal process. It seems, from what you're saying, to be on an ad hoc basis. If somebody complains enough and phones the chairman, he'll handle it over the phone. I'm thinking in terms of a member. Is there anything you think you can do?

Mr Hambly: Members are encouraged to go out to their respective communities, whether it's a geographic location or a representative community, and make themselves available to answer questions or concerns people have. I think that is an obligation a board member takes on when he comes on to the board. I would imagine that goes for any board or commission in this province. It's hard to be all things to all people, as any politician knows.

Mr Carr: Just like politics, although politicians try.

Mr Hambly: I think the basic thing is to open the lines of communication and be more accessible. But at the same time you have to remember this is a board which was filled with part-time people. We have jobs, and that was part of the requirement that most of us—we may even have a firm footing in the real world, as it were, to have that input and bring that input to the board.

I think there are many ways in which the public can access the board and access the information there. Perhaps it could be better communicated; that's true. I think it's incumbent upon the chair, the board members and the bureaucracy around it as well as, certainly, upon people who are most in touch with the public, those being politicians, to know they can call upon the board to answer questions or for board members to go out to their constituents.

Mr Carr: Thank you. Good luck.

The Chair: Thanks, Mr Hambly. I'm going to stop you at this point. That concludes the review. We appreciate your appearance here this morning. Good luck. That concludes the meeting for this morning. We'll break and reconvene at 2 o'clock.

The committee recessed at 1144.

AFTERNOON SITTING

The committee resumed at 1402.

DOUGLAS PORTER

The Chair: I bring the meeting to order. Our first witness this afternoon is Douglas Porter, who is an intended appointee as a member of the Board of Funeral Services. Welcome, Mr Porter, to the committee. This is a one-half-hour review, 10 minutes to each party represented in the committee. Your review was at the request of the official opposition, the Liberal Party, and I'll look to Mr Grandmaître to begin the question.

Mr Grandmaître: Mr Cleary will start.

Mr Cleary: Welcome, Mr Porter. I understand that you and your family have been in business for many, many years and I understand that you have a lot of experience. I just have a couple of small questions I'd like to ask you.

We've read quite a bit in the newspapers and on television about—I think they call it The Simple Alternative.

Mr Douglas Porter: That's correct.

Mr Cleary: Would you like to expand on that?

Mr Porter: On what The Simple Alternative is, you mean?

Mr Cleary: Yes, and your feelings about it.

Mr Porter: The Simple Alternative, I'd say, is a minimal type of transfer service for families who wish that type of disposition of the remains. It's something funeral homes have provided for a number of years but of course the homes are not advertising a lot. They haven't advertised that basic type of service. There's a need for it, and I really don't have a problem with it being provided. Our funeral homes have provided it for years, as have many of the other funeral homes in Toronto too.

Mr Cleary: The other thing I'd like to ask you is about the supply of caskets to Ontario. Where do they come from? Are there many of them manufactured in Ontario or do you get them from other provinces?

Mr Porter: Not very many in Ontario. There are a couple of casket companies in Ontario, but the majority of them are out of Quebec and a number of various companies through the United States provide caskets.

Mr Cleary: So a lot of them are coming in from the United States?

Mr Porter: I can only speak for our firm so it's hard to say, but a little less than half of the ones we get would come in from the United States.

Mr Cleary: Do you think that will stay the same, or would there be more now under free trade and all these other agreements?

Mr Porter: It's really difficult to say. The casket companies in the States are fairly large. I know the Ontario casket manufacturers have difficulty competing with them, so if the smaller companies fall by the wayside, I can see more coming in from the States. I don't know that free trade is going to make a lot of difference in it.

Mr Cleary: Do you think the Quebec manufacturers have the same problem as the Ontario ones?

Mr Porter: I think they do. I don't know that much about Quebec. The labour costs I think are a little less. We buy a number out of the two companies in Ontario. There are only a few we get out of the Quebec companies.

Mr Grandmaître: In the early 1980s or late 1980s a lot of US firms were buying out quite a number of our establishments in Ontario.

Mr Porter: It was actually a Canadian firm. It was a Canadian firm that was doing the buying then.

Mr Grandmaître: Well, I know in the Ottawa area, three of the funeral establishments are owned by US interests. Is this still going on?

Mr Porter: From what I understand, Louwen, which is the most aggressive buyer at the present time, really isn't doing a lot of buying in Ontario or in Canada. Most of it is in the United States at this time. I haven't heard lately of a lot of interest in Ontario or Canadian firms by any of the three larger buyers.

Mr Grandmaître: Can you tell me what you know about the pre-paid funeral services? If I had an agreement or a contract with an establishment for a pre-paid package, could I walk in there and ask the funeral director or whoever is responsible for the program what the real cost in today's dollars my package would be worth? Let's say I bought it 10 years ago, 15 years ago or whatever.

Mr Porter: Most definitely. Yes, you can have an update of what that package would be, but in most cases the insurance, the pre-paid funeral, would cover the cost. Most funeral homes guarantee the service. Even if they were to give you a cost at this date that was actually a little higher than what was in the package, most of the funeral homes would provide that service for what was in the pre-payment plan.

Mr Grandmaître: I see. So this package—if I can call it a package—this pre-paid funeral service, what would be the interest rates gain on these packages or agreements per year? I know it all depends on the market, but what would be the average? Not that I intend to invest my money that way, but—

Mr Porter: There are really two different ways that pre-paid funds are usually held in Ontario. One is through guaranteed funeral deposits, and their rate fluctuates. It's usually comparable to the street rate that people would get on a premium savings account, so it fluctuates up and down with the interest rate.

The other way that funeral homes will hold their trust funds would be in the individual debenture with the bank and it would just be whatever they could buy the debenture for. All the money has to be held in accordance with the deposit insurance.

Mr Grandmaître: In trust.

Mr Porter: So it has to be a security that is cashable and if they bought it, say, on a five-year term, the rate would be whatever that five-year term rate was.

Mr Grandmaitre: Is there an auditor, like the province of Ontario, for instance? Does he go in and check your books every so often?

Mr Porter: The Board of Funeral Services goes in and checks the books. Firms are different. We have an audit and our trust accounts are audited, but I know with smaller firms sometimes they're not, just because they don't require an actual audited statement.

Mr Grandmaitre: I was going through my notes last night and apparently—not the compensation fund committee—the registrar received 21 complaints last year. What kind of complaints would they be from funeral directors? How much would they vary? I'm talking about a serious complaint. What would a serious complaint be?

Mr Porter: Well, professional misconduct could be a serious complaint. Misappropriation of trust funds would be a serious complaint. From what I understand, most of the complaints that come in are ones that really are lack of communication between the people who are involved, but I guess the most serious one we hear lately, other than the one that's been going on with the four funeral homes in Ontario for the last year, is really misappropriation of funds. That's the other largest. Professional misconduct is the one, I think, that's going on right now with the four funeral homes in Toronto.

1410

Mr Grandmaitre: One last question. Do you think that you people should be in the tombstone business and also crematoria? Do you think you should be in that kind of business or should it be separated?

Mr Porter: I don't feel that we should be. There is sufficient out there now to provide the public with their needs. Personally, I don't have an interest in the monument business, but I know that in some areas outside of Toronto some funeral homes do get involved, I think mainly because there aren't any monument dealers in their area and they do it just to help the families in their community.

Mr Grandmaitre: Do they need special permission to start this type of business?

Mr Porter: I couldn't accurately answer that, but I don't believe they would require any special permission.

Mr Grandmaitre: I remember three or four years ago there was quite a hullabaloo about that possibility of funeral directors getting involved in or owning or having part ownership in—

Mr Porter: I think it was really the integration of everything. It was cemeteries, funeral homes, monuments, flower shops, that type of thing.

Mr Grandmaitre: Yes. This has died down, though.

Mr Porter: I'm sorry?

Mr Grandmaitre: It has died down, if I can use that word.

Mr Porter: Well, it has to an extent, yes.

Mr Grandmaitre: Thank you. Good luck to you.

Mr McLean: I have a few questions, Mr Porter. Can you indicate to us—you probably have some knowledge of it—the amount of increase in pre-paid funerals in the last two years? It has been tremendous, I would imagine, has it not?

Mr Porter: There has been a fair growth in dollars just because of the number of dollars that are invested out there from the number of funeral homes, but there has been an increase in the number of people wanting pre-arrangement. It would be difficult to say, but I would say, based on our firm, there might have been a 25% to 30% increase in the number of people who are pre-arranging.

It got thrown out of whack a little a couple of years ago with the GST coming in, because if people pre-paid before a certain period of time they could do it without the GST, and that put a bit of a flurry on.

Mr McLean: The GST—is that “Get Sick Today”?

Mr Porter: Funerals are charged GST today.

Mr McLean: Have the hearings that are conducted with regard to misconduct increased? There were 25 written complaints referred to the complaints committee in 1991, and the discipline committee had nine hearings on charges of professional misconduct in 1991. Have those numbers increased?

Mr Porter: To the best of my knowledge, not significantly over the years. Not being on the board, I only read what they print in their newsletter.

Mr McLean: What would be the average pre-paid funeral cost: \$5,000, \$7,000?

Mr Porter: I believe the average, and I really only speak—I sit on the board of the Guaranteed Funeral Deposits of Ontario. I know the average certificate in GFD is about \$3,800, between \$3,800 and \$4,000.

Mr McLean: So there's a lot of money here. I've noticed in the last while how they have increased and have been marketing the program, and it can involve hundreds of thousands of dollars. Who is monitoring how that is being established? I know Ben referred to how the interest is paid. That funeral home director could have that money for a month in his own account before the other account is set up, or he could have it six months in another account before that account is set up.

Mr Porter: Yes, that's very true. There is, through the board—or through government regulations, actually—legislation that states that the money has to be put into a trust within, I believe, 10 working days of receiving the money and that the family has to be notified that the money has been put in a trust. It is monitored by the board when they do their examinations of the funeral homes' books.

GFD works a little differently in the fact that it's really a third-party holding. The funeral director places the money in trust through GFD, which means that GFD notifies the family that they have received the funds. If the funeral director wants to get the money back out, he has to do it either through a letter from the person who originally made the deposit or the executor of the estate or power of attorney. He can't just draw it.

Mr McLean: Are you an appointment recommended by the funeral directors?

Mr Porter: I believe so, yes.

Mr McLean: Do you know any of the other members on the board at the present time?

Mr Porter: I know Andrew Doyle from Ottawa, and I believe there's a gentleman from Kitchener whom I haven't met before. I've met some of the board members, the funeral directors, on occasion.

Mr McLean: When the act was changed here not long ago, was your organization, the Metropolitan Toronto and District Funeral Directors Association, in agreement with the change that took place with regard to—I guess there were some problems with regard to the monument part of it. There were some changes, and I was just wondering if those changes were acceptable to your people.

Mr Porter: I think really the main part of the legislation was the separation of cemetery and funeral home, more than monument business and funeral home, but I would say in general, yes, that the majority of the funeral homes were in favour of the legislation as it was set up.

Mr McLean: I wish you luck.

Mr Porter: Thank you.

Ms Carter: We've talked about pre-paid funerals, but I've just pulled a card out of my purse that I carry around. It's the Funeral Planning Association, otherwise known as the Memorial Society that exists in my city. We don't pay, but certain funeral operators have stated that they will give a simple service and so on for a certain rate.

Mr Porter: That's correct.

Ms Carter: There's a kind of ongoing deal. I just wondered how that fits into the scheme of things.

Mr Porter: Memorial societies have been around for a number of years. They started out on the west coast and kind of moved eastward. It's a membership organization. I believe you do pay a small membership fee to belong.

Ms Carter: Yes.

Mr Porter: They do have a contract with a number of funeral homes in different areas that provide, I believe, two types of services, one which is more of an immediate disposition, and one where there's a funeral service and things provided with the family.

Ms Carter: Would that come cheaper than the average, pre-paid type of funeral that you were referring to?

Mr Porter: Would it come cheaper? It possibly might be a little cheaper just because of the way the Memorial Society is set up, their program, what they want. Most funeral homes—at least ones that I know, anyway—would provide the same type of services for the same dollars whether or not they were members of the Memorial Society.

Ms Carter: I see. I also wondered how prevalent cremation is. Do most areas have cremation facilities, and if so, how widely are they used?

Mr Porter: Pretty well in Ontario most areas have some accessibility to crematoriums. There has been a significant increase in cremations over the last number of years, more maybe in the Metropolitan Toronto area for various reasons, some because of the land costs. A cremation service is basically a different means of disposition of

the remains, so people will quite often still have what we refer to as a traditional funeral, if there's anything that's traditional. Everybody's wishes are a little different. But the cremation is the means by which the body is disposed of after the service.

People do it because they don't want to spend the money for a cemetery lot, which is fairly costly in Toronto. They might have an old family lot, and by having a cremation they can bury the ashes in that lot if they have the right permissions. People talk about it more. It's just become a way that people want to have their final disposition rather than burial.

Ms Carter: There are more of us. It is a way of avoiding taking up land, from that point of view.

Mr Porter: Well, yes.

Ms Carter: Thank you very much.

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Mr Wiseman: I'd like to know the difference between a transfer service and a funeral. How do they work? In our notes it says, "The operators of transfer services are limited to collecting the body, placing it in a casket...and taking it directly to the cemetery or the crematorium." I'm not very familiar with how funerals work. What's the difference?

Mr Porter: It's just that a licensed funeral home can provide full funeral services, where they would have services from their facility. They would have embalming, if that's what the families wish, visiting and a funeral service from their facility or from a church.

A transfer service, which The Simple Alternative is that we were speaking of a few minutes ago, goes to the hospital or the place of death, picks the remains up and takes them to the cemetery or the crematorium directly without having any type of visitation or service at the time. Quite often people might have a service of remembrance after the interment has taken place.

Mr Wiseman: Then a funeral home would have an array of skills that are different from just a transfer service.

Mr Porter: They would have the facilities to provide preparation and visiting and things. Transfer services don't have to have those facilities.

Mr Wiseman: Is embalming not automatic?

Mr Porter: No.

Mr Wiseman: You can be buried without being embalmed?

Mr Porter: Yes, definitely. The only time that embalming is required by law is if the remains are being transferred out of Ontario into a country that requires preparation. Quite often the airlines and things like that like to have the body prepared before it's transferred anyway, but there's no law in Ontario that states a body has to be embalmed.

Mr Wiseman: Is there a difference of opinion between the transfer services and the funeral services over what should be allowed? It also says here that the transfer services would like to be allowed to have a stopover for a

service. Would that then be encroaching on what the funeral services would be offering?

Mr Porter: Yes, it definitely would, because they would be able to provide services like the funeral homes provide.

Mr Wiseman: So this leads to a difference of opinion between the two forms of service.

Mr Porter: If they were allowed to stop at a church or a facility where they could have a service on the way, then that would be doing what a funeral home can do now, yes.

Mr Wiseman: You say you have to be licensed. What criteria do you have to fulfil to get a licence? What kind of education or courses do you have to have?

Mr Porter: The current course for a funeral director's licence is a two-year term. They take half of it at Humber College with the prescribed number of courses, which would include embalming and funeral directing, some grief therapy and other parts that would be required for a funeral service. Then they spend a year of apprenticeship at a funeral home before they receive their licence.

Mr Wiseman: So a transfer service wouldn't need to do that.

Mr Porter: At this point, I know that under the new act there is provision that there is going to be a licensing process for a transfer service, but I don't believe that's been set up yet.

Mr Wiseman: So we can expect to be lobbied by the people in the transfer services.

Mr Porter: That's possible.

Mr Wiseman: What are the regulations about where you're buried? It has to be in a regulated, licensed cemetery?

Mr Porter: Yes, with human remains; with ashes, there are a number of people who scatter ashes, but I don't believe there's any legislation on that.

Mr Wiseman: On where you scatter?

Mr Porter: Yes, but with a full body burial it has to be in a cemetery.

Mr Wiseman: Thank you. That concludes my questions.

The Chair: Mr Waters, did you have a question?

Mr Waters: I just have one quick one. Coming from small-town Ontario, I never heard of a transfer operator. Are there many of these people around? This is something new to me.

Mr Porter: There are two that are active right now, one being The Simple Alternative, and then there's The Basic Funeral Alternative. The Basic Funeral Alternative is based in Toronto. Both of them are, but I know The Simple Alternative runs outside of Toronto to an extent as well.

There's a difference too because there is a removal service which is really a facility that funeral homes use if they don't have the staff to do transfers from a hospital, so there are really three different ones. There's the funeral service, transfer service and a removal service.

Mr Frankford: So the board you will be on oversees both, or doesn't oversee transfers?

Mr Porter: The board would oversee anything that was to do with funeral services, not cemeteries or monuments. Anything like funeral homes, transfer services and removal services would all come under the Board of Funeral Services, yes.

The Chair: Before we conclude, when we're talking about cremation, it reminds me of a story the former Liberal member Eddie Sargent used to tell—you've probably heard this—about the lady whose husband passed away. She had his remains cremated, and she mixed the ashes with marijuana and smoked it and said later that was the best he'd made her feel in years. You may want to take that to the next conference.

Mr Porter: I haven't heard that one before.

The Chair: Mr Porter, thank you very much for appearing here. We wish you well with your new responsibilities.

Mr Porter: Thank you.

PATRICIA O'MALLEY

The Chair: Our next witness is Patricia O'Malley. Ms O'Malley, would you like to come forward and take a seat, please. Welcome to the committee.

Ms O'Malley is the intended appointee as chair of the Financial Disclosure Advisory Board. Ms O'Malley, you were selected for review by the Conservative Party.

There are 10 minutes allocated to each party represented here. We'll begin the questioning with Mr McLean.

Mr McLean: Welcome. Are you with a firm now which is involved in the stock market?

Ms Patricia O'Malley: Sorry? Involved in the stock market?

Mr McLean: Yes. Peat Marwick Thorne. They're in accounting, an auditing firm.

Ms O'Malley: A chartered accounting firm, yes.

Mr McLean: Some time ago we did a review of the Ontario Securities Commission. I believe Mr Wright was probably the chairman of the commission at that time.

Ms O'Malley: Yes.

Mr McLean: He had made some recommendations with regard to the salaries of the senior people. Do you agree with the basic philosophy that they should be made public?

Ms O'Malley: You're speaking about the disclosure of executive compensation?

Mr McLean: That's right.

Ms O'Malley: In public documents?

Mr McLean: Well, mainly corporate executive salaries.

Ms O'Malley: Yes, in the public documents.

Mr McLean: Yes.

Ms O'Malley: Within the structure of the Securities Act there are a number of documents that are required to be prepared by a reporting issuer. Financial disclosure, in terms of this board, is dealing more with the audited financial statements and the notes to those statements that would be included in prospectus documents and the

continuous disclosure documents that are required to be filed under the act. The kind of information that's disclosed in respect of executive compensation is included in the proxy documents that go to shareholders. So, by rights, that's really not encompassed within financial disclosure.

I guess I don't have a firm view one way or the other. I think the commission itself is trying to come up with the policy that treads a very fine line between protecting the privacy of the individuals and providing full and fair disclosure to the shareholders and investors in the public market. I think that, to a certain extent, some of the calls for disclosure have been driven by our proximity to the United States market. The Securities and Exchange Commission in the States has different disclosure rules, so in the past, people have been able to find out more about the compensation of Canadian executives from their US filings than from the Canadian ones. We are going to see more disclosure, I believe. I'm not sure it's going to go as far as the US rules.

Mr McLean: Would your advisory board be looking at insider trading?

Ms O'Malley: No.
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Mr McLean: They don't look at that aspect at all? I'm curious about some of the things that have happened over the years, where young lawyers would get on the board of the commission, they would work for two or three years for the commission, then all of a sudden they would leave and go to work for a law firm dealing with brokerage firms, advising clients on how to negotiate, I would presume. But the thing that always bothered me was that those people on that board and commission could trade on the market the same as you and I could. Why is that allowed?

Ms O'Malley: I believe they can, after. To the best of my knowledge, there are rules for the staff of the commission, while they are staff, that severely restrict their ability to trade in any securities on the public market in the same way as I, as an independent auditor. When you say as freely in the market as you and I can, you may be free to trade in the market, but the list of securities that I'm not allowed to trade in, because they're clients of my firm, is that deep. We send out notices to our partners and staff every week about changes in that list in order to maintain our independence from all of the public companies and their affiliates.

It's fair to say that certainly the staff of the commission has an independence rule that's very similar to, or in fact may be even stricter than, that of the accounting profession, which is pretty strict already. I don't believe that they would be allowed to trade in any of that stuff with insider knowledge at all.

Mr McLean: Who does the Financial Disclosure Advisory Board look at?

Ms O'Malley: We don't look at anybody.

Mr McLean: Then what's the purpose of the board?

Ms O'Malley: The board is there essentially as a sounding board or, as its name implies, an advisory board

to the accounting staff at the commission. The Ontario Securities Commission is regulating, as you know, the largest capital market in Canada. The office of the chief accountant of the commission was created only five or six years ago. There are only four accountants in that office of the chief accountant. They are, in fact, consulting people within the commission for all the lawyers and other accountants on staff at the commission.

The financial disclosure requirements in the act are substantial. The amount of information that public companies or reporting issuers are required to file on the market is large. There are a lot of policy questions. I look at it as sort of evening up the sides. When the commission is looking at a reporting issue or its financial statements and believes, for instance, that they may not be in accordance with generally accepted accounting principles or there's something that they don't like, there are four of them; but the issuer has all of its corporate financial reporting staff and all of its advisers from its auditing firm.

Certainly, if I'm dealing with one of those tough questions, I can walk down the hall or pick up the phone and call 20 of my partners like that. They don't have all that many people to talk to. Essentially, what the Financial Disclosure Advisory Board does for the staff of the commission is give them that same opportunity to bounce ideas, to test concepts, to develop policy.

Mr McLean: Is it an advantage to your firm to have one of them, as you, appointed to the advisory board?

Ms O'Malley: I don't know, frankly.

Mr McLean: Then why are you applying for the position?

Ms O'Malley: I didn't actually apply. They asked me if I would let my name stand. After a discussion with my partners about whether or not that was an excessive time commitment on my part, the firm said, "Yes, I suppose you can if you really want to."

Mr McLean: Is this an appointment as an accountant, recommended by the accounting association?

Ms O'Malley: As an accountant, yes; but, no, I was approached by the chief accountant of the commission to ask whether I would be prepared to serve on the board.

Mr McLean: I wish you well.

Mr Carr: Are you familiar with Bill 150 that just went through the Legislature?

Ms O'Malley: Sorry, I don't know the numbers.

Mr Carr: It's the employee ownership. During that discussion before the standing committee on finance and economic affairs, there was some concern about what was going to happen with some of the disclosure, and I was wondering if you had any thoughts on it. Obviously, you don't.

Ms O'Malley: No, I haven't seen it. I noticed that in the commission's annual report this year, they specifically mentioned that a certain amount of the attention of staff had been devoted to that issue, but I am not—we haven't met yet.

Mr Carr: I know there was a great deal of discussion of how a disclosure will happen with that; like what

usually happens when bills are pushed through without thinking that far down in detail. I suspect you may get asked on that, and I wondered if you had any thoughts on it, obviously without having read it. When you get appointed, you will probably be asked to comment on it. You may want to brush up on that before the first meeting because that's maybe on the agenda.

Ms O'Malley: So far it's not, but given that the staff have indicated in the annual report that that's something they've been devoting a fair amount of time to, it may very well be.

Mr Carr: It is complicated. If you've read the annual report, how we're going to make the financial disclosure of that appear to be aboveboard and so on is going to be very difficult. I looked at your résumé with your background and many years and awards and so on. This may be one where they need to go outside and say: "This is something different. How are we going to do it?"

Ms O'Malley: In terms of policy areas, that's one of the things the commission uses the advisory board for. For instance, there's a program under way right now. The Ontario Securities Commission belongs to something they call the Canadian Securities Administrators, which is an interprovincial group. They have a chief accountants' committee and the chief accountants of the various commissions sit on that, and they are busy reviewing all the national policies. All the national policies go out in draft in the weekly bulletins circulated for comment, but despite the fact that we haven't had a meeting of the committee yet they are using the committee to run those pre-draft policies for comment, I guess I could say, before they are actually published.

Mr Wiseman: I'm just a little curious about how all of this works; it's kind of a new area. If a company is going to put out an issue, the Ontario Securities Commission will review the prospectus in order to understand and to make sure that all the information in that prospectus is accurate. Is that correct?

Ms O'Malley: I think what they're looking for in that review is to ensure that all the information required by the act and the policies is there. It's difficult for staff to ensure that the information is accurate. That's why there are a whole pile of experts involved in the process. There's material within a public offering document that they call "expertised," so that, for instance, the financial statements or the financial information has involvement by independent public accountants. If there are things like geological surveys or something like that, you'll have opinions from geologists who are qualified to opine on that kind of stuff.

So to the extent that the information is factual, they'll be looking for accuracy, but much of the discussion talks about the company and its business and its plans, and what's required is—I think the phrase is "full, true and plain disclosure." But when it's not facts, it can't be as precise, as accurate. True, yes; accurate—

Mr Wiseman: In other words, what has been reviewed has been reviewed by the necessary bodies that are outlined in the legislation, and therefore somebody buying

that particular stock can be assured that accountants and geologists and all these people have looked at it—

Ms O'Malley: Yes.

Mr Wiseman: —and therefore the information that they have certified is certifiable to the best of their ability, which leads me to my next question. Are all the stocks, all the prospectuses put into the market reviewed by the Ontario Securities Commission?

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Ms O'Malley: Well, there is a system they call the prompt offering system, where the largest issuers put on file what is called an annual information form, and that information is reviewed once a year. What that allows them to do is to go to the market much more quickly because they don't have to go through the full prospectus process. But the information is all reviewed. It may not all be reviewed as one document, because they're allowed in the prospectus to incorporate by reference a pile of other material that's been filed with the commission, but it's all looked at at one time or another; it may not all be looked at as part of the prospectus.

Mr Wiseman: Under what circumstance would the advisory committee, the Financial Disclosure Advisory Board, be asked to make comment on that? Or would they?

Ms O'Malley: Basically, the board is used and members of the board are used where there is a difficult accounting or disclosure issue, when the staff of the commission may have reviewed a document, either a continuous disclosure document, an ongoing annual report or something like that, or a prospectus document, and they're uncomfortable with an accounting treatment or they're not satisfied with the disclosure or something. They'll call people up and bounce it off and say: "Here's the set of facts. Do you think this is the right treatment?" or, "Do you think that is adequate disclosure?" It's basically an opportunity to consult.

Mr Wiseman: Could one of these pension funds or the employer ownership or the Ontario investment fund, if it ever gets up and running, or the labour-sponsored venture capital fund, if it ever gets up and running, ask the advisory board to do a disclosure statement on one of the prospectuses that was before them by you, or does it have to come from the other end?

Ms O'Malley: I believe that in the past, anyway, the board has generally been consulted by the staff when they have an issue. If there are concerns raised by the public, they generally go to the inquiries part or the compliance division or the enforcement division at the commission. Certainly there have been situations, and some of them were spectacular financial frauds, in the past few years. I'm thinking in particular of NBS, National Business Systems. The review of those financial statements was initiated by financial analysts phoning the staff. Then the staff, because there are so few of them, brought in outside help to help them look at both the financial statements and the actual audits that had been done in that case. So it's a way of finding help.

Mr Wiseman: Are there any changes that you think should be introduced into the Financial Disclosure

Advisory Board other than maybe a greater disclosure of remuneration for board directors?

Ms O'Malley: At the moment it probably works reasonably well. I think we could probably help more, and I think to a certain extent the board in the past has been perhaps more reactive than suggesting change. That, I think, is because it existed long before the office of the chief accountant was created within the commission. They had an office of general counsel long before they had an office of the chief accountant, and now there is more to work with within the commission itself. I think the board could offer more suggestions than simply being there as a committee to have things bounced off.

Mr Wiseman: So you'd like to see it a little more proactive.

Ms O'Malley: And I think we can probably work with the staff in the office of the chief accountant to do that. We're having an awful lot of difficulty trying to get the first meeting arranged because of all the hearings and things that are going on at the commission, but I think that's something I would like to see discussed at the meeting we're planning for October.

Mr Wiseman: Do any of my colleagues have questions? No. Thank you.

The Chair: We'll move on to Mr Grandmaitre.

Mr Grandmaitre: If I can follow up on the salary disclosure, in Canada, as you know, executives don't have to disclose their salaries, whereas in the States the laws are much more stringent than in Canada. Do you think our executives should be compelled by government legislation to reveal their salaries?

Ms O'Malley: As I said before, I think there are a couple of competing policy issues in that whole debate, one of which is a privacy issue with respect to the individual and the other an investor issue. To a certain extent, certainly in following some of the kinds of things that have gone on in the US debate, I think there is a legitimate right of investors and shareholders to demand accountability from the people who are running the company they've invested in.

I think to a certain extent some of the disclosures and the kinds of things that are being suggested in enhancing the US disclosure which the SEC is proposing will help to do that. On the other hand, there is a lot of disclosure that is made fairly sensational by the financial and other press. Some of that I would characterize as—well, I said “sensational” and that's probably sufficient; people who are just looking at the numbers and really have no reason to hold those people accountable for their performance. I think what people are trying to get at is a legitimate relationship between performance and the total compensation package.

Mr Grandmaitre: You referred to accountability. Politicians are supposed to be accountable in Ontario to 10 million people. Try your luck, try and find out what an assistant deputy minister or a deputy minister—a minister you can find out—makes in the province of Ontario. You won't be able to find out. I find this somewhat ridiculous, when we say we're accountable and yet we won't reveal the salaries of a deputy minister. They'll give you a range

of salary between \$110,000 and \$160,000, but they won't give you an accurate figure. Do you think this is right, for a government to promote accountability and it won't even disclose its deputy ministers' salaries or anybody's salary, even Hydro?

Ms O'Malley: It's interesting that you talked about the ranges, because that is my understanding of the direction and the way the commission is going. In the US there are tables that break down the pieces, the components, of the compensation. I think we're talking about dealing with totals and we're also talking about dealing with a number of people. The question I always ask is, why is it really important for somebody to know the exact number?

Mr Grandmaitre: Well, they're spending taxpayers' dollars.

Mr Mancini: It makes good talk over a cup of coffee.

Mr Grandmaitre: Remo, take over.

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Mr Mancini: I want to say that I have no problem with Ms O'Malley's appointment to this committee. I think she's highly qualified and I think you'll do an excellent job in your appointment as chair.

I'd like to follow up on some of the comments my colleagues have made, because I believe your position of chair of the Financial Disclosure Advisory Board is going to have an impact on some of the decisions that are made about financial disclosure of top executives and whether exact salaries should be disclosed, and I have a couple of other questions after that.

I'm not trying to put you on the spot, but you are taking the position, you're going to have to address the issue, and this committee should have the privilege of knowing your views on this matter now that you're before us. Having looked at your résumé and having seen just how professional and extensive your background is, I would be less than honest with myself if I believed that you did not already know substantially what your position is on this matter.

I think that we, as members of the Legislature who are going to endorse the government's proposal that you be the chair of the Financial Disclosure Advisory Board, should have the privilege of knowing your views on this matter. To be very succinct, do you support the disclosure of salaries of executives in the private sector here in our province?

Ms O'Malley: When you say salaries, do you mean the total of the executive compensation?

Mr Mancini: Yes.

Ms O'Malley: By individual?

Mr Mancini: Yes, by name.

Ms O'Malley: No.

Mr Mancini: You do not? All right. So we got that answered.

Ms O'Malley: That's my personal opinion. If they ask me, that's what I'm going to tell them.

Mr Mancini: All we want is your views today. We don't want anyone else's. Having said no to that, what

would you be prepared to recommend in your capacity? I'd like you to be very specific, please.

Ms O'Malley: If the Financial Disclosure Advisory Board is consulted about this issue—and I have no reason to believe it will be—

Mr Mancini: You may be surprised.

Ms O'Malley: I think the proposals Chairman Wright has already made are a reasonable compromise between what I've already mentioned, that there are two competing public issues here. I think there is a need to compromise and I think a compromise has been proposed which the commission is probably going to implement in its requirements and then it'll see how that works. If it's not sufficient, there will be, I expect, a call for greater accountability from shareholder-activist kinds of groups who will call their managements to account and pressure the commission for more disclosure.

Mr Mancini: Okay. What are your top three priorities?

Mr O'Malley: I don't know that I actually have any specific priorities.

Mr Mancini: What three things are important to you that you want to get at as chair of this board?

Ms O'Malley: I think our role, as I said, I think we can—

Mr Mancini: What are three things you want to comment highly upon?

Ms O'Malley: I want to be as helpful as we possibly can be to the staff of the commission in fulfilling their responsibilities within the commission. That's what we're there for. If there are other items, policy issues we see, we will suggest them to the commission for action.

Mr Mancini: So as of this time, you have no items that you think need to be addressed? Are you telling me and this committee that your chairmanship is going to be one of: "We'll give advice only when we're called upon and we'll respond only when we're asked. On our own, of course, we're not going to take any initiative to pass what we consider to be valuable pieces of information and advice to the Ontario Securities Commission"? Is that what you're telling us your attitude is going to be?

The Chair: I'll jump in here, Mr Mancini; I'll give you an opportunity to respond to that, though. Would you like to respond to that briefly?

Ms O'Malley: I already said that I believe in the past that has basically been the way the board has functioned, simply because by and large there was no one in this commission to provide that advice to until the office of the chief accountant was created. I think you need to understand that by and large the Ontario Securities Commission is full of lawyers and has been for years.

Mr Frankford: What can you do?

Ms O'Malley: You said it. The accounting people within the compliance area and corporate finance basically had no one within the structure of the commission to talk to. The board was there to advise the commission.

Now there's senior accounting staff and the role of the board is developing. I think there probably is an

opportunity for us to provide suggestions about where they might go, but don't forget that because of the way the securities regulation is organized in this country, an awful lot of coordination has to take place between the provinces and with the agreement, the multijurisdictional disclosure system—

Mr Mancini: Can I—

The Chair: No, you can't. I'm sorry; you've concluded. Thank you very much, Ms O'Malley.

Ms O'Malley: You're welcome.

The Chair: We appreciate your appearance here today. We wish you well.

SUSAN MEYER

The Chair: Our next witness today is Susan Meyer. Would the witness come forward, please, and take a seat here. Welcome to the committee, Ms Meyer. Ms Meyer is an intended appointee as a member of the Council of the College of Nurses of Ontario. You were selected for review today by the Conservative Party. There's a 10-minute allocation to each party, and we will begin with Mr Carr.

Mr Carr: Thank you very much for appearing. I was interested in the reason that you'd like to become involved. Do you have any thoughts on why you would like to?

Ms Susan Meyer: My experience goes back for probably about 12 years working with people who have had trouble accessing one system or another. Eventually I've ended up going with either my young mothers, when I was working with children's aid, or my probation after-care clients, when I was working for the Ministry of Community and Social Services, or in my experience with the Midwifery Task Force of Ontario, with a woman who is in one stage or another of her pregnancy and helping that person to access hospital care, nursing care, care from a physician.

The people who I didn't actually actively go with I heard a lot about the system from. I felt that now is a good time for me to use my experience and try and affect one college or another, so I applied.

Mr Carr: With your background—it says here you are a board member at the Midwifery Task Force of Ontario—do you see that as your area of specialization? What would you like to see happen? Do you have any idea, obviously with the experience in that area, where would you like to see us go in this province?

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Ms Meyer: With midwifery?

Mr Carr: Yes, in that area.

Ms Meyer: I'm applying to the College of Nurses.

Mr Carr: Yes. I'm just interested in where you see them going.

Ms Meyer: With midwifery? Well, the midwifery task force, which is a consumer-based organization, has presented several briefs to the Ministry of Health of the Ontario government, and those basically outline our vision for maternity care as provided by midwives. The proposed legislation under the Regulated Health Professions Act

that's going to be coming in some time in the next year or so answers most of our concerns about midwifery care.

Mr Carr: Right now, what do you see as some of the areas of concern with the Council of the College of Nurses of Ontario? Do you have any areas of concern with the way things are running now? What would you like to see changed in that area?

Ms Meyer: I have had an opportunity to observe only one council meeting—well, two council meetings actually, because one day was the end of one and the next day was the beginning of the new council. In fact the projects that the College of Nurses is working on now seem to be very future oriented, very progressive.

The main thing that I would like to ensure as a member of the public on the College of Nurses' council is that consumer interests, members of the public's interests and safety and access issues—not just safety, but sort of an autonomy within the system—are protected, as is in the spirit of the legislation. I see that the College of Nurses is very much trying to do that itself, so I'm hoping it will be possible to work without too much conflict towards that goal.

Mr Carr: You haven't been involved in politics, a member of a political party?

Ms Meyer: No.

Mr Carr: As you know, right now the whole issue of health care in this province is under a tremendous amount of pressure. Is there anything else you would like to see done? In other words, with this committee—and I guess sometimes you have to put modesty aside here—what do you think you can bring to the college in terms of your skills that would be helpful?

Ms Meyer: My most recent involvement with the midwifery task force has exposed me to concerns from people around the province, so I've gained a fairly good grasp of the northern issues, native North American concerns, francophone women. I'm none of those, but they've talked to me, so I have a feel for what the college has taught. I'm not going in as a neophyte. I understand what they're talking about when they start talking about these concerns and issues.

Also, I'm quite familiar with the new legislation that's coming in and with the fact that all the professions are having to reformulate their regulations and their scope of practice. So in terms of a knowledge base, I feel that I'm coming to the college with some knowledge. They don't have to teach me everything.

As my history shows, I have had a long history of being more than willing to advocate for the members of the public and willing to speak up and at the same time appreciate the problems within the system. I've worked with the Ontario Hospital Association in putting on a conference and I've worked with the Association of Ontario Midwives in trying to set standards and regulations and models of practice which are reality-based, as well as what consumers would like to have if we had all the money in the world to pour into the system.

Mr McLean: I have a couple of questions, Susan. The nurses in Ontario have a long-standing problem that they've anticipated would be rectified by now, and that is

the input they have within the hospital. Do you feel that the nurses have enough say in dealing with the overall operation of the hospital?

Ms Meyer: No, I don't. I don't feel that members of the public do either, but I don't feel that nurses have enough say, no.

Mr McLean: The recommendation some time ago was that there had to be some nurses on the internal board that makes the decisions. My knowledge that I understand is that there have not been many appointed. Do you know what has happened?

Ms Meyer: I'm sorry, I don't know. As I said, I'm just coming in and I am not fully aware of everything that's happened with that.

Mr McLean: Are you familiar at all with the Regulated Health Professions Act, 1991?

Ms Meyer: Yes.

Mr McLean: What does it indicate in that act with regard to the nurses' availability of performing more professional duties?

Ms Meyer: It's my understanding there's a scope of practice outlined in there which was the one proposed by the College of Nurses and that they received everything they had asked for under their scope of practice except the management of labour.

It's my understanding that the Public Hospitals Act is being reviewed and the constitution of committees and so on within hospitals will be discussed under that act, and that presentations are going on across the province now. I don't think anything has yet been decided.

Mr McLean: Are you familiar at all with how a hospital would work with the administrator and the doctors on staff and all that?

Ms Meyer: I've seen many flow charts, yes. I haven't got them indelibly in my memory.

Mr McLean: The concern I have had over the years is that sometimes the administration at the hospital runs it and a lot of people don't have much say, including the medical profession and the nurses and the other maintenance people who work within that hospital. I hope that in your duties, you'll be looking at the overall administration of some of those because I have a feeling it needs to be looked at.

Mr Frankford: You initially applied to be on the midwifery body.

Ms Meyer: Yes, I did.

Mr Frankford: You're now going on to the College of Nurses and you're obviously a strong advocate of midwifery.

Ms Meyer: Yes.

Mr Frankford: Do you see any possible conflicts? I guess midwifery has not been fully set up yet, although the legislation has passed. But I think the nurses had some concerns about midwifery legislation. They wanted to feel it was part of what they were doing. Do you have any comments and do you see any conflicts in them and also in your role?

Ms Meyer: This was something I considered very carefully when I was asked if I would consider being on the College of Nurses instead of the transition council for midwifery. I thought about it a lot and I can understand how people might see that there might be a conflict, but when I come down to the nitty-gritty of what the conflict might be, I have difficulty sort of grasping it.

The organization that I'm involved with, that I sit on the board of, is the Midwifery Task Force of Ontario. It is a consumer-based, user-based organization. The bulk of our members are people who have had midwifery care or who believe that midwifery care is important or who would like to have midwifery care in the future.

I'm not a midwife. I'm not on the Association of Ontario Midwives' board. In terms of a conflict of interest, for instance, if I were working on the regulations—I mean, I think it's passed because basically the nurses, unless they want to reopen their scope of practice under the health professions act, have more or less accepted that unless they are working in an outpost position they would not have management of labour.

In fact at one point there was quite a lot of acrimony between the nurses and the midwifery movement in terms of autonomy and this is one more profession we'll have to answer to and so on. But I think the reality is that there are going to be so few midwives in the province and they're going to be so scattered and so busy that nursing really isn't threatened by midwifery. I have a very strong feeling that is the way the Council of the College of Nurses of Ontario is feeling about midwifery right now too.

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There is a place in the college guidelines which outlines conflict of interest. Basically, if you've found yourself in a conflict of interest situation, there are three routes open to you. The one that I would probably choose is to remind them that I am involved with the midwifery task force and say for myself whether I felt this was a conflict and let them choose whether I should perhaps sit back from this issue. But maternity care is such a small aspect of nursing as a whole, I don't really feel that it would affect my ability to be a consumer or public representative on that council.

Mr Frankford: Just to follow up on that, the organization and payment of midwifery is still very much up for discussion. If the organization and payment for midwives is the same as for nurses, which is essentially within a hospital setting, on salary—if it's different, then wouldn't that have at least the possibility of creating some difficulties or at least the nurses would be asking for the same sort of conditions regarding payment, autonomy?

Ms Meyer: How are nurse practitioners paid?

Mr Frankford: The ones that I'm aware of would be mostly working out of health centres and paid on a global budget or on a per capita basis.

Ms Meyer: Because I see that as being much more similar to the way that midwives would be paid, I am not aware of any proposal that's gone forward that would put midwives on salary at a hospital. It's something that both the midwives and the midwifery task force have been quite

vocal in asking not to have done because it ties the midwife too closely to the hospital in terms of who she answers to for her practice and autonomy and community-based care.

Mr Frankford: I gather you would say that things would go easier if a broader range of options or an evolution to a more autonomous and alternatively paid system for nurses went on. Then the problem for midwives would not be such a problem.

Ms Meyer: It's my understanding that if you're a nurse in a hospital, you get paid by the hospital. If you're a nurse practitioner, you get paid in the ways you just outlined. If you're a Victorian Order of Nurses visiting nurse, you get paid by the VON. If you work for public health, you get paid by the public health unit. It seems there's already a wide variety. As a nurse, you have to choose where you want to work and how you are going to get paid.

Midwives have not by any means decided how they're going to be paid. It's an issue that I can't really answer.

Mr White: You're going to be a lay member of a professional college. We've been spending a fair bit of time talking about the new Regulated Health Professions Act, which is yet to be proclaimed. But regardless, as a lay member, we've talked about midwifery, we've talked about nursing, and my experience is that lay members get overwhelmed with the other professional members on that council.

You have a background, you have a diploma in social work, you have some experience from eight or nine years ago in child care work, in probation work etc. But you yourself don't have direct nursing experience. You've got experience with the midwifery task force.

How would you deal with the situation where you're there with all these nurses who know the field in and out? When there's a disciplinary issue coming up, when there's a scope of practice issue coming up, they can talk circles around it. These are issues that are new to you, foreign to you. How would you preserve your centre of balance, your way of dealing with things?

Ms Meyer: First, it's my understanding that as a public member, I would not have nursing experience.

Mr White: That's right. Of course.

Ms Meyer: I'm not easily overwhelmed. The College of Nurses of Ontario has provided in its orientation package, which, as a candidate, I received, a large amount of paperwork which is specifically designed to educate public members and its own members as to how the college works and what the code of ethics and standards of practice for nurses are and all those sorts of things. For instance, if I were sitting on the complaints committee and a complaint came in that this nurse had been acting in a certain way?

Mr White: Good example.

Ms Meyer: I suppose, first of all, I would put myself in the patient's or the client's position and ask, how would I feel if this had happened to me, read through the complaint and try to figure out if what the patient was saying was true, if it happened that way if it happened, how it

happened, how the nurse reacted to it happening and what her colleagues said about it happening.

If it was a drug overdose, for instance, I would look at the drug overdose literature and what the attending physician had to say about the incident. If I were still at sea and hadn't come to a conclusion, I may go to an association such as the patients' advocacy group that's here in Toronto. I've heard them speak; they're very well informed and vocal. I believe there's another one, too. I have a list of three different agencies I could go to if I was really feeling that I needed advice from somewhere outside what the other complaints committee members could offer me.

Mr White: That was very thorough. What do you think your background with the community organizations, the policy development with the Midwifery Task Force of Ontario, your case work background and your personal life experience would offer you in a situation like the example you picked, the complaints to the committee.

The Chair: Very briefly, please.

Ms Meyer: I'm quite good at amalgamating a large amount of material and coming to a decision about it. The experience I've had has helped me learn how to put my decision, if it happens to be controversial to what everyone else in the room is thinking, into a somewhat non-confrontational form, which is more likely to be accepted by the other people in the room, yet to persist if I believe this particular viewpoint which I wish to put across is not being accepted. So basically diplomacy and persistency.

Mr White: Excellent. Thank you.

Mr Grandmaitre: What's happening with the nursing profession in Ontario? A lot of RNs are being let go and being replaced by RNAs because apparently these RNAs are as competent as RNs. There's a feud going on. I have two files in my constituency office. I'm telling you, I'm getting all kinds of good reading from you people. What's happening?

Ms Meyer: I think when the Health Professions Legislation Review was going on it was made quite clear that the RNAs wanted to have their own college and that they didn't want to be lumped in or grouped in with the nurses. With the current budget cuts in the hospitals, hospitals are tending to favour the more lower-paid professionals, so it creating animosity.

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Mr Grandmaitre: Why won't the RNs accept the RNAs in their college? Instead of creating two colleges right across the street from each other, why can't the RNs—

Ms Meyer: As I understand it, it was the RNAs who asked for a separate college, but as I have said, I have not had enough experience or been participating in enough council meetings and so on to really get a feel for those particular concerns. The RNAs and the RNs on the council certainly seem on the surface to be attempting to work out their differences. They're two professions that are quite frequently confused and that have different levels of qualifications. They are not equal. They're different, but people get them confused.

Mr Grandmaitre: When you say confused, what would be needed in the province of Ontario to resolve this confusion? As you know, we went through the old Health Disciplines Act and the Regulated Health Professions Act. We've been at this problem for over 10 years and we haven't resolved the problem. What's needed?

Ms Meyer: I think the College of Nurses of Ontario has been at it even longer. I do get the feeling that it is a very long-standing problem, and unfortunately I am not knowledgeable enough at present to be able to give an answer. If the government and the College of Nurses have been working on it as long as they have, I would be presumptuous to suppose that I could, after two months, say what the solution should be.

I do feel there is a strong feeling, with the decision that's been made under the Health Professions Legislation Review, that the college will remain as it is. There is a strong feeling that there is a need to work together to try to resolve these differences. There is a spirit at the college level to try to resolve the problems.

If I should be appointed, I would be happy to come back in a year or two and try to tell you what I think the solution is, but at the moment, I'm sorry, I can't help you.

Mr Grandmaitre: What about the number of students entering the profession? Do you think we should increase the number of students or decrease the number of students?

Ms Meyer: Are there jobs for them when they come out?

Mr Grandmaitre: I'm asking you, because right now they're saying out there that RNs are being replaced by RNAs. Do you think we should decrease or forget about the programs, hire foreign nurses or—because our program is affected by the major changes in nursing and, from what I read, very few jobs are available in Ontario. We train them and they go to the US or whatever. What's going to happen with our nursing programs in Ontario?

Ms Meyer: It's my understanding that as the council for the College of Nurses is a disciplinary body which protects the public interest from a regulatory standpoint, I don't really believe that it has much to do with the quality of the nursing program. From that point of view, I would say that the quality of the program should be ensured to be as good as any in the world, which I believe it is now.

Mr Grandmaitre: Thank you.

Mr Cleary: Ms Meyer, do you think that when the change takes place—and I guess it has in parts of Ontario already—changing from the RNs to the RNAs will drastically affect the patients in the hospital?

Ms Meyer: Yes. I have not a lot of knowledge, as you obviously can gather; I haven't been involved with this for very long. But I do not think you can replace nurses with RNAs without some sort of safeguards being put in place for members of the public. Whether that means you have closer supervision of the RNAs or whether it means you start educating them better, I don't really know what the solution is. Perhaps there should just be more nursing positions paid for by the government so it wouldn't be a problem.

Mr Cleary: I was just reading through some of your résumé. What I get out of it is that I think you feel there would be other ways to save money besides making those changes. Is that true?

Ms Meyer: I'm sorry, I don't understand the question.

Mr Cleary: Would there be other ways in the administration in hospitals to save equal amounts of money?

Ms Meyer: I see. I do feel that community-based care is an important way of saving money. As I understand it now, the funding is quite different for hospitals and for community outreach care. The education of patients and the care of patients in their own homes certainly would seem to be more cost-effective than waiting until people are acutely ill and then hospitalizing them. If you were to encourage nurses to work out in the community more, if there were jobs available and the programs were available and funded for nursing care to be community-based, it seems to me that it would perhaps save some of your hospital dollars. It would mean rechanneling it, and studies would have to be done to see which would be more cost-effective. My sense from the reading I have done is that the community-based care is more cost-effective, but there's a reluctance to move away from the traditional hospital system.

Mr Cleary: I know many of the nurses in our part of Ontario, some excellent nurses, have said that once this change is made, if they have friends or relatives, they'll move right in and care for those people on their own, that they feel that strongly that the level of service is going to deteriorate. How do you feel about that?

Ms Meyer: I really don't know. I'm beginning to think this is perhaps an issue for the Ontario Nurses' Association or something other than the college.

Mr Cleary: Do you think this is one of the biggest issues of the time, the change from RNs to RNAs?

Ms Meyer: I'm not certain that all RN positions are being changed over to RNA positions. That premise is new to me.

Mr Cleary: I think it's going to happen in a lot of the hospitals in eastern Ontario. It has partially happened now.

Mr Grandmaitre: Instead of closing beds, they're letting RNs go.

The Chair: That concludes the review, Ms Meyer, and I wish you well.

Ms Meyer: Thank you.

The Chair: The next and final matter on the agenda is the determination with respect to all of the people who appeared before us today, the six witnesses we heard today. We'll go through the usual exercise. Do we wish to deal with all of the witnesses with one motion or on an individual basis?

Mr Wiseman: I'm in favour of one motion.

The Chair: Mr Wiseman moves that we concur with the intended appointments reviewed by the committee today.

Any discussion on the motion?

Mr Wiseman: I think they were all excellent and did a wonderful job.

The Chair: Any dissenting opinions? Hearing none, all in favour of the motion? Opposed?

Motion agreed to.

The Chair: Meeting adjourned. See you tomorrow morning.

The committee adjourned at 1530.

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- *Mancini, Remo** (Essex South/-Sud L) for Mr Bradley
- *White, Drummond** (Durham Centre ND) for Mr Marchese

***In attendance / présents**

Clerk / Greffier: Arnott, Douglas

Staff / Personnel: Pond, David, research officer, Legislative Research Service



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Second session, 35th Parliament

Official Report of Debates (Hansard)

Wednesday 19 August 1992

Standing committee on government agencies

Appointments review

Assemblée législative de l'Ontario

Deuxième session, 35^e législature

Journal des débats (Hansard)

Mercredi 19 août 1992

Comité permanent des organismes gouvernementaux

Révision des nominations

Chair: Robert W. Runciman
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Président : Robert W. Runciman
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 19 August 1992

The committee met at 1003 in committee room 1.

APPOINTMENTS REVIEW

Consideration of intended appointments.

CATHERINE FRAZEE

The Chair (Mr Robert W. Runciman): I call the meeting to order. Members, the first witness today is Catherine Frazee; I hope I'm pronouncing that correctly. Ms Frazee, would you like to come forward? Ms Frazee is an intended appointee as full-time vice-chair of the Workers' Compensation Appeals Tribunal.

This is a half-hour review; 10 minutes for each party on the committee. You were selected by the Conservative Party, and I'm looking to one of the members, Mr McLean, to begin the questioning.

Mr Allan K. McLean (Simcoe East): Welcome to the committee. I thought it would be an appropriate time, before your appointment takes effect, to come and discuss with us some of the knowledge you may have with regard to the Workers' Compensation Appeals Tribunal. One thing I'd like to find out from you is, do you think workers should be compensated for workplace stress?

Ms Catherine Frazee: Certainly my experience at the Human Rights Commission—and I'm going to draw heavily on that in my response to that and probably other questions today—is that we have evolved in our thinking over the past several years to appreciate that in certain circumstances stress can amount to a disability, as defined by the Human Rights Code, along the continuum from, at one end, healthy levels of stress to, at the other end, stress which renders an individual dysfunctional. I think a certain line has to be drawn and decisions and judgements have to be made on an individual basis.

From my reading of work and from recent decisions of the Workers' Compensation Appeals Tribunal, in certain circumstances where there is a link to indicate that serious conditions of stress are caused by the experience of employment, it would seem that an interpretation of the statute would indicate that it is an appropriate area for compensation.

Mr McLean: You would feel then that the range of occupational diseases covered by the WCB should be expanded?

Ms Frazee: I'd prefer to say as a matter of principle that our understanding of disability is always going to be an evolving notion and, over time, as new conditions come to our attention, it is going to be necessary to embrace those within our definitions of injury and disability.

Mr McLean: At present there's a more than \$10-billion unfunded liability and it's growing at \$100 million a month. If you're planning on expanding the occupational disease section, that would put a greater burden on the

unfunded liability. How would you anticipate collecting that money if you're going to expand it?

Ms Frazee: I hear your concern. With respect, I think the role of the adjudicator is to interpret the legislation; the policy issue you're identifying is probably rightly one for the legislators to consider. If it is a matter of policy that this is an issue the government deems not to be appropriate for compensation, then that is a decision I think the legislators have to make.

Mr McLean: As chairman of the Human Rights Commission, you would be fairly well aware of the WCB and how it was operating because you would have people who would to be referred to you. There's been a lot of discussion lately with regard to the effectiveness of that board. Many people have called for a royal commission to look into the workings of the WCB. Would you think that would be appropriate?

Ms Frazee: I don't think I have an opinion or should express an opinion on that issue, except to say that I appreciate the process of review of any institution. Again speaking from experience of the Human Rights Commission review, as long as it's responsibly conducted and concludes with a set of tangible recommendations, it's always a healthy process. Following a review, however, I think there's always a need for time, first of all, to give consideration to the recommendations and then to put those recommendations into effect. There needs to be time following a review for that process.

Mr McLean: Most of we members have several people in our ridings who are having problems with the WCB. I get calls nearly every day that they're unhappy with the answers they're getting. There is an appeal process there for them, but I had one yesterday who was so mad she wasn't even going to bother appealing it because she felt nobody was helping her. Have you any idea of the amount of appeals the appeals tribunal board is handling?

Ms Frazee: My understanding is that it's somewhere in the order of 1,100 cases coming in each year. I may be a little off, but I think that's about the volume coming in.

Mr Gary Carr (Oakville South): You're a little different from some of the people who come here because you've come from a high-profile position and we know a little more about your background. Everybody else comes and we don't know what they've done. Unfortunately you come from an area where there's been a tremendous amount of controversy; there's a great backlog.

I see one of two things: either you didn't have the resources at the Human Rights Commission to handle the number of cases, or as the person in charge it would have been your fault. I don't believe that, because I believe the resources weren't there. The lady who's going to follow you came here and we asked her, "How are you going to

handle it?" and she said, "Better case management." I don't think that's going to help, with the number of cases.

Could you explain for the committee what you see as some of the problems of the Human Rights Commission so that basically we can feel confident that the problems there weren't relating to your management, that it was a case of resources, if you follow my drift.

1010

Ms Frazee: I think I do. I think the commission is on record, certainly before my time and as a full commission during my term as chief commissioner, as indicating that for a very long period in its history the institution was underresourced. You don't change that overnight. It takes a good deal of time to address a problem that has built up over a number of years.

At the same time, I would emphasize that we also determined, certainly during my term as chief commissioner, that there was more we could be doing as an organization to deal effectively with our case load. So we set in place a number of initiatives, administratively and operationally, which we saw had a very significant benefit in terms of our productivity. These included things like setting very clear performance standards and performance expectations, communicating very clearly throughout the organization the priority attention that needed to be paid to case load reduction, providing better training, providing better tools etc.

Those processes and those initiatives have really begun to demonstrate to the commission what a well-run and efficiently run organization can produce. At the same time as we've seen that happen, at the same time as we've seen the commission become more effective and better able to manage its case load, we've seen our intake rise to an unprecedented extent: More and more people are coming forward, so the resource pressures on the institution continue, as more and more people I think either have confidence in the Human Rights Commission or are simply experiencing severe levels of discrimination in society. They're coming forward and they're entitled to service. That creates, for the organization, a real current workload pressure, as distinct from a backlog pressure, that we're all going to have to watch very carefully and that the government, I know, is keenly aware of.

Mr Carr: One other question with regard to the appeals tribunal: With the number of processes, the way it is now, I'm told that very few people get turned down if they push it right through. I've kiddingly said to some people, because all the members have spent a great deal of time on WCB claims, that what we should do is just eliminate it. Anybody who wants it gets the money, and we would save more than through all this process.

I don't know if that's correct or not, but in terms of the process, right now people are saying the same things as about the Human Rights Commission, that it doesn't work, it isn't fast—a tremendous amount of frustration. Is there anything you can see, looking overall, that we could do to change the system to improve it? Quite frankly, I'm thinking that, unfortunately for you, you're jumping from one tremendous fire into another. That may be good, because

your talents may be able to help. Is there anything we can do to assist you so that we don't keep blaming the system?

The Chair: A 30-second response.

Mr Carr: There's never enough time.

Ms Frazee: A 30-second response: It really has to do with taking into account the recommendations of the report that's recently been prepared about the Workers' Compensation Board. Clearly, that will not be my responsibility as a member of the tribunal, but I expect that members of the tribunal would be looking at that report as well with respect to the operations of the tribunal, to see if there are components there that we can learn.

Mr Carr: Thank you. Good luck.

The Chair: Thank you. Mr White.

Mr Drummond White (Durham Centre): Good morning. You're a real bear for punishment, obviously. You're going from a very senior position with the Human Rights Commission, which has gone through some difficult times in terms of backlog, in terms of the demand for services, to the WCAT, where the nature of your position will be totally different.

Ms Frazee: Yes.

Mr White: You would be serving as a member of a tribunal on an individual case-by-case basis. The issues about the problems with the services of the WCB would probably be very difficult for you to hear about, because you wouldn't be able to do anything about them.

Ms Frazee: Yes.

Mr White: I'm curious about some of your views. We've talked a little about the stress issue and the unfunded liability. First off, I'm wondering if I could ask you a very simple question: How would that be for you, hearing these cases where time after time what you would hear from the claimants, from the appellants, would be how terrible the service had been, how inhumanely they had been treated? As a member of the tribunal, there would be very little you could do about that.

Ms Frazee: I suppose the most appropriate thing for me to do as a member of the tribunal is ensure that a fair and just remedy is ultimately rendered to the individual. If parties appear before the tribunal and have a great deal of negative comments to make about what has gone before, it's incumbent upon us to ensure that the process they face now at the hearing, at the tribunal, is one which is conducted professionally, one where principles of fairness and efficiency prevail, so that at the end of the day, regardless of what the decision of the tribunal is, at least the individuals who have appeared at that hearing and participated in it are left with a feeling that they've had a good experience, an experience of fairness in treatment.

Mr White: What you're saying is that you would not allow the quality of their previous treatment to prejudice your decision one way or the other.

Ms Frazee: Absolutely. I think the integrity of the tribunal demands nothing less.

Mr White: I'm wondering if I can ask you a couple of questions around the case issues. Very frequently, the problem is that people are injured on the job and it is deemed

that they have had an injury which incapacitates them 10%. They are granted a pension which might come to, say, \$90 a month or something because their injury has only partially disabled them. Unfortunately, it has partially disabled them to the point where they're unemployable. They're not people with a huge degree of linguistic skills etc, and their bodies are what they need to work. Do you have any thoughts on that issue?

Ms Frazee: By all means stop me if I'm going down the wrong track here, if this isn't addressing the heart of your question, but I think it's very important—and I'll certainly come to a better understanding as I do move to this position, as I learn more and more about the statute and the act as it has been amended subsequent to Bill 162—that there is a very clear recognition in the act of the duty to re-employment where an employee is capable of performing the essential duties either of the original job or of modified work.

I think that principle of re-entry, re-employment for the worker, is a very important one and one which speaks to the kind of scenario you've described, where an individual has had, as you've said, perhaps a 10% or 20% injury but is certainly capable of doing certain kinds of work. It is very important to recognize that this individual still has a contribution to make to the workplace, with accommodations.

Mr White: I have one small further thing, the issue of the time lag, the issue of the rage, frustration and total impotence that the individuals feel over a period of a year, 18 months, two years while they have a claim in and then go to an appeal stage. As a member of the tribunal, what kind of recourse would you recommend—again, this would of course have to be on a case-by-case basis—to mollify that problem?

1020

Ms Frazee: It's critical that the decision from the tribunal be rendered as quickly as is reasonably possible. I know the current goal of the tribunal is to ensure that decisions are forthcoming within a four- to six-month period so that no parties are left in limbo for an unnecessarily long period of time. I think that's of critical importance in getting final decisions made efficiently.

Mr Daniel Waters (Muskoka-Georgian Bay): Let's face it: The WCB didn't take WCAT as a welcome addition. Do you feel that as things changed since the beginning, WCAT is accepted more by WCB than it used to be?

Ms Frazee: I'm going to be speaking impressionistically, solely because I haven't—

Mr Waters: I also know that sometimes when things aren't resolved at WCB they go to where you formerly were, so you should have some idea.

Ms Frazee: Let me say that I think a tribunal that establishes for itself a reputation of integrity, a reputation of dealing fairly and intelligently with the issues that come before it, is always accorded a certain amount of respect from the body that is ultimately reviewed by it. I think it's incumbent on members of the tribunal to ensure that we're well informed, that we're sensitive, that we're cognizant of

WCB policies, that we're cognizant of how the WCB operates, that where we take exception to particular policies we take care to articulate why we've taken a different view. If there is that clarity of communication and that integrity of process, then I think naturally there will be at least an acceptance and a respect for the necessary role of an appeal.

For example, if an administrative decision-making body does not have an independent review mechanism, it is so easy for the public to become very sceptical and very mistrustful of that body. Oftentimes I think having an appeal built in and a legitimate and responsible level of appeal operating in fact enhances the credibility of, in this case, the WCB itself. It enhances the trust in that institution as part of a total set of procedures and a legislative scheme for compensation of injured workers.

Mr Waters: I represent very much a seasonal area of the province.

The Chair: You have 30 seconds, Mr Waters.

Mr Waters: Okay. Do you think it's right that compensation should be related to your present wage? I'll give you a quick scenario. A young lady in my riding at age 16 was caught in a meat grinder and lost the best part of her arm. She was working at a local corner store, and for life her compensation is based on that minimum-wage job as a student. Do you think that is the way we should be paying compensation to our people in this province?

Ms Frazee: That's a very important and very substantive question and I think I'll defer from responding in an off-the-cuff way. I think that would require a very careful analysis of the legislation and the purposes of the legislation and a very careful application of the legislation to the situation. I'm sorry, I really would prefer not to give a quick response to that.

The Chair: We'll move on.

Mr Bernard Grandmaitre (Ottawa East): I must apologize for my tardiness, but apparently a question arose on the possibility of compensating stress in the workplace. Could you repeat your answer for me, please?

Ms Frazee: I think the bottom line of my answer at that time is that I believe I heard in the original question exploration of a policy issue which I think is really an issue the legislators ultimately would have to address. The role of the tribunal is to interpret the provisions of the statute as it currently stands and to apply those provisions in a consistent and fair manner.

I did say, certainly on the basis of my experience with the Human Rights Commission, that our understanding of disability has evolved to the point where we do appreciate that in some situations stress can amount to a disability. It doesn't always, but in some situations it is so severe as to be found, at least by the Human Rights Commission, to be a disability.

Now, under a different piece of legislation, where it is necessary to determine links of causation between the stress and the employment, I appreciate that those decisions are very complex, but I do understand that there is at least some jurisprudence currently that has come from the tribunal that would assist us in interpreting the statute as it presently stands.

But as to the larger policy question about whether, socially, we can afford to compensate people who are disabled by workplace stress, that is a policy question for the legislators, I think.

Mr Grandmaître: I understand it's a government policy or intention or statute, but how come the WCB people released a discussion paper on stress? Do you think that's your responsibility? Shouldn't the government itself introduce a paper or release a paper instead of the WCB doing it?

Ms Frazee: First of all, the decisions of the Workers' Compensation Board to issue policy guidelines is really an area that's not appropriate for me to comment on at this point. My interest and orientation today, anyway, are towards the tribunal.

To take your question a step further, I think the role of the tribunal is to look at the legislation as it currently stands, to consider the policy guidelines of the board and to apply, as reasonably as possible, the interpretation of the statute in making decisions on individual cases. I'm afraid that's the best I can do for you.

Mr Grandmaître: One last question and then I'll pass on to Mr Cleary. I know you weren't there at the time, but did the government ask you to release a paper on stress in the workplace?

Ms Frazee: At the Human Rights Commission?

Mr Grandmaître: No, I'm talking about the WCB. Do you know?

Ms Frazee: No, I'm not aware of anything like that.

Mr Grandmaître: Thank you.

Mr John C. Cleary (Cornwall): According to the figures we have, in 1991 more than 60% of the initial decisions were reversed by higher bodies. What can you do to ensure that fewer decisions reach the board? Many of the injured workers in our community feel that if there were a centre set up to help workers with their paperwork and the system, in many ways, probably they could take some of the workload off the board. I'm just wondering how you feel about those things.

1030

Ms Frazee: I'm sorry, I think I would need to have a little more substantive understanding of the reasons for which those decisions were reversed. It is possible, of course, that decisions are reversed on appeal for reasons of differing interpretations of the statute. Let me put it this way: It may well be that the interpretations the tribunal members are making have to be thoroughly articulated so that there is a more widely held understanding of the interpretations of the tribunal. There may be other reasons, which I suspect you are alluding to, which have to do with things that have happened at the operational level at the WCB, where procedural elements may account for the deficiencies in the earlier-level decisions.

I think I'd really need to be better informed about the nature of the final decisions being made and why they were being reversed before I could really comment in any helpful way about how to prevent that or how to ensure more decisions at the front end that don't get reversed.

Mr Cleary: Would you support one of these information centres?

Ms Frazee: I'd like to know a little bit more about the role of the information centre. I expect that, again, my position as a tribunal member would not involve me in necessarily assessing the utility and the appropriateness of that kind of administrative entity.

Mr Remo Mancini (Essex South): When you were head of the Human Rights Commission, I understand that things weren't quite as you would like to have found them. In leaving the commission, you said you had accomplished what you had set out to do: to give the commission a new vision and opportunity to redeem itself.

I was surprised to learn that you would want to leave the commission, as important a body as it is, especially being the head of the commission, to take on a position as a vice-chair of a tribunal where there would be no administrative responsibilities but basically adjudicative responsibilities. Are you losing the enthusiasm you've had and shown all these years? Are you slowing down? What's the real reason you want this adjudicative position?

Ms Frazee: That's a fair question. Believe me, whatever answer I give you, it will be just the tip of the iceberg. A great deal of thought and careful soul-searching went into this decision to move on from the commission at the end of my term.

I think that I'm primarily looking for new kinds of challenges, and I would anticipate at the tribunal an environment rich in intellectual and conceptual challenges and, as you rightly point out, where my time might be freed from many of the operational kinds of urgencies I've been dealing with at the commission for three years. It's time for a change, personally.

Adjudication is a field which holds a strong appeal for me. I think I have qualities which will suit that vocation. A career in adjudication is an option which I feel quite positively about at this time.

The Chair: Mr Mancini, you finished ahead of time.

Mr Mancini: After your comments of yesterday, Mr Chair, I have to be very careful.

The Chair: Ms Frazee, that concludes the review. I want to mention that Mr Mancini asked if you were slowing down. Nowadays, in the political sphere, we all have to be politically correct, as you know. I just had a birthday, and no one could say I was getting older; now they have to say I'm chronologically challenged. In any event, thank you very much for appearing here. We appreciate it and wish you well.

ROBERT OWEN

The Chair: Our next witness is Robert Owen. Mr Owen, would you like to take a seat, please. Welcome to the committee, sir. This is a half-hour review. Mr Owen was selected for review by the Liberal Party, the official opposition. Mr Owen, as indicated on your agenda, is the intended appointee as a vice-chair of the Ontario Municipal Board. We'll begin the questioning with Mr Grandmaître.

Mr Grandmaître: Mr Owen, you've been a member of the OMB since 1983. Would you describe to me the real progress you've seen since 1983?

Mr Robert Owen: There have been a number of what I consider positive and useful changes in the board. Perhaps the most important one, in terms of today's society, is the better mix, both by gender and racial and cultural diversification. I have some statistics if you're interested: We have seven women, two francophones, three blacks, two Orientals and two Italians. We have others who bring to the board different qualifications. In the "old days" the board was largely composed of lawyers, of which I happen to be one, but we are now in a minority. The number of planners has increased in recent times, and that's been an important change.

The training of members is something that has been recently instituted. In my view, because I was part of it, I suppose, certainly the feedback we're getting from members has been extremely effective and very useful. We have both member training for new members and continuing education, as I call it, for all members.

We have also seen a reorganization in the staff that I believe is more effective in the manner in which files are processed. It allows the public and municipalities a better handle on who's doing what. By that I mean that the staff is organized into a sort of regional basis, where one person is doing everything for, say, Ottawa-Carleton. People get used to talking to the same person, and I think that helps.

Further, we have been making a considerable degree of progress in what is quaintly called alternative dispute resolution, but in particular for this board it's been an institution of pre-hearing conferences. For many hearings, 10 days and over, we have also instituted settlement conferences where possible, in jurisdictions such as Ottawa and Toronto where there are a number of small files with narrow issues and few parties. We found that the settlement conferences, which I am involved in, have been extremely successful. In that settlement conference area, we have been using a mediation type of thing, because we create a very informal atmosphere, and it works.

Mr Grandmaître: Can I interrupt you, Mr Owen, because we have only 10 minutes.

Mr Owen: Okay. I want to be full and fair in my answers.

Mr Grandmaître: Good. I'm quite satisfied with your answer.

I'd like to talk about the added responsibilities you were given—I'm not going to use the word "imposed" because Mr Kruger's going to jump on me—in the last five or six years. I'm talking about the critics who say that these responsibilities shouldn't have been added to the OMB, that they should have been added to another body instead of the OMB because the OMB was overworked and understaffed. What has happened in the last five or six years with these additional responsibilities? Has the OMB been able to cope?

1040

Mr Owen: I'm here as a proposed appointee for vice-chair, and as such, although I am a member of the board, I am not as intimately involved in the statistics and the opin-

ion of the chair and the vice-chairs and senior staff on these issues. However, from my personal point of view, I think the board is coping. We're given things to do presumably because someone feels we're capable of doing them and they relate in some way to our present position. It does create more work. The development charges are, perhaps, one of the examples. However, that hasn't "taken off" quite like we expected.

We have a backlog which we're working on, but I can't say we shouldn't have some of the things. Perhaps there could be ways of changing things around a bit, but we're all dealing with municipalities, and I really don't know if it's appropriate to start creating more tribunals doing the same thing. I worry a little about the cost-effectiveness of something like that.

I think we're doing a good job with the resources we have, and we're certainly trying to improve the process. Over time, with some of the initiatives we're taking and that I hope to be part of, I think we should be able to do a better job. But I don't think we should shirk the responsibilities given to us by the Legislature.

Mr Grandmaître: One last question, Mr Chair. Now that the OMB is under the wing, if I can say that, of the Minister of Municipal Affairs and not the Attorney General, what are your thoughts on this?

Mr Owen: Again, a personal thought is that I have always considered myself to be independent. I've served under three different governments. I have had no experience, nor have I during my time ever heard of anyone having any experience, of interference by a minister or ministry or, for that matter, a member of Parliament, in the affairs of the board.

Mr Grandmaître: Never?

Mr Owen: Never. Certainly I've never, and I've not heard of anyone complaining about that sort of thing. We've been around a long time, and I think in fairness to the members of the Legislature and the various ministries, they know we're an independent, quasi-judicial tribunal and they treat us as such. They may not always be happy, but they still treat us as such. I don't think the change to that ministry is going to create a real problem. The perception, however, is one that needs to be addressed, and perhaps through the tenure argument we may settle that.

Mr Cleary: Having been a municipal politician for many years, and now at Queen's Park, I've heard much criticism from the public, from many different people on a variety of issues, about your board and the length of time it takes to get a decision. To follow up on what my colleague has said, it is my understanding that you say that that's improving, that the length of time is probably less now than it used to be.

Mr Owen: We're whittling away; not fast, I agree, but things take a bit of time to do. With the settlement conferences, the pre-hearing conferences, the hopes of this case worker idea where we've got regions and so on, that is relatively new. Again, everyone in government has "no money and no time." However, despite those limitations, I think we are working better as a team with just members and staff.

One of my particular objectives if I am appointed is that I want to see a better working of the case worker where we can talk to people, can narrow issues and so on, and where we can get more effective hearing time estimates and therefore shorten the real time and produce more decisions and quicker.

Now, quicker decisions: It's always been a rather amusing bugbear of mine that everybody's running around wanting a fast hearing. I always thought they wanted a decision from the board, not a fast hearing. There's always a bit of a problem with weighing how many hearings you have and how long it takes to get a decision, because we are all human beings and we can only produce so many decisions, carefully reasoned, within the time frame. I think that's being worked on.

Regarding the computer ability of members, new members—and frankly, myself as one of the older members—are the only ones now completely using the computer for decisions. It's going to make a difference when we get more computer-literate people on or convert some of the older people to computer literacy, because you can do an awful lot at home, in your hotel room and so on, and the modern age should make a wonderful difference in that kind of delivery. We're not making huge strides, but I think we are making strides and I see a light—as someone said today, hopefully not of the train but sunshine—at the end of the tunnel.

The Chair: You've been listening to the Republican convention. We're going to have to move on to Mr Carr.

Mr Carr: I appreciate the opportunity to ask you some questions and thank you for coming. It isn't just the Ontario Municipal Board that's got backlog problems; we've heard from the Ontario Human Rights Commission, the WCB is backlogged and doesn't work, right now the Ontario Municipal Board's got a backlog and the Rent Review Hearings Board has a backlog of about 6,000 cases. Indeed, as a lawyer, you know our courts are now up to 40,000 cases as a result of the Askov decision, and I think that's why there's so much frustration in the public. It is also with politicians, but everything in this province seems to be backlogged, clogged and not working.

If we were to eliminate the Ontario Municipal Board and say, "We're not going to do it; the final authority will be Halton region or whatever," do you think that would create a tremendous amount of injustice in the province?

Mr Owen: My experience in that regard has been twofold. From discussions over many years with the Association of Municipalities of Ontario and the president, who speaks to our seminars on occasion, many municipalities realize that on the one hand they like us because we perform a good role when we have municipal politicians dealing with ratepayers, and: "Elections are elections and let's just dump it on the board. We'll trust them to do the right thing." On the other hand, municipalities sometimes get very upset when we disagree with their decisions.

I had an experience recently in London where the ratepayers said: "We don't care what your decision is, Mr Chairman. This will be the first fair hearing we've had in this long process and that's what we'll go away remember-

ing." Frankly, I don't think the elimination of this board is going to serve the people of Ontario very well, because the politicians in the other committees below us simply don't have the time to spend on some of these issues. We spend a lot of time—maybe too much time—but the full and fair hearing has always been a touchstone and will be for me continually. Councils can't do that. They can't spend a day or three days or two weeks listening to one single planning issue.

The other thing is, of course, we get far better evidence, far more thorough evidence from everyone at our hearings than they ever do at any of the lower levels, and perhaps the decisions we make are better because of the kinds of things we hear, not because of the people we are but simply because of the kind of evidence we get. So I don't think that's going to solve the problem.

Mr Carr: We've discussed with the human rights people how to deal with a backlog. Everybody has come in and said the same thing you have, "automate" and "better case management." Crown attorneys are saying right now, "If we just had better case management." It's the same with the human rights. The lady who was in here before you left and a new person came in, and the lady who came in said: "We just had better case management. We've had Coopers and Lybrand in and they haven't." Isn't it true that with the numbers that are coming before the Ontario Municipal Board, unless we put more resources into it, we will never get rid of the backlog that we're looking at right now?

1050

Mr Owen: Throwing money at a problem is an old solution. To some degree, resources are important, and I still believe that we could stop being reactive and be more proactive as a board and not just simply get the paper in and process it: Get the paper in and talk to the people who are involved, talk to the ratepayer groups or the parties and try to find out what the real problems are and try to institute some kind of a mediation process.

Mediation is a different sort of field than we're in at the moment. It's going to cost some money, I suppose, but it's certainly something to try because, for instance, Municipal Affairs, in my view, might have a role in attempting to mediate. For instance, if you follow the Sewell commission and if the Sewell commission comes to fruition and so on, the role of ministries may change.

Perhaps those people could take a more active role in attempting to settle things before they have to come to us, because what we see is that the parties never talk to each other. They're over here and over here and they never talk until they walk into the board hearing. Many of us will say, "Hey, why don't we take five minutes and talk about things?" You'd be surprised at the number of "five minutes" that will help solve an awful lot of problems. If we can get that going earlier, then I think we can make some real progress.

Mr Carr: One of the problems, not to take a shot at your profession as a lawyer—

Mr Owen: Everyone does.

Mr Carr: It's the same thing with politicians and lawyers, and if you're both you're really in trouble.

The major concern is that right now of course it is the same thing with something as simple as marriage; they just that say if they could get together, they could agree on it and they wouldn't have to have a lot of court battles. The problem is that in our legal system, most people who go before the board need to have some type of lawyer.

Isn't it true that in our adversarial system, where lawyers are involved, it's better from the lawyer's standpoint to go there and get his fee rather than try to solve it quickly, and as a lawyer, how do you see us being able to force this type of mediation when our system is basically set up as: "Adversarial. Get your lawyer. Come before the board, present your case and somebody will make a decision"? Are there any thoughts on that?

Mr Owen: The first thing I just want to say is that we say consistently to the public and we mean it, "You don't need a lawyer." In my view, the best thing—

Mr Carr: But most do. Most either have a consultant or a lawyer.

Mr Owen: They bring them, but if I had any advice to the public I'd say: "Bring a planner. This is a planning issue or an assessment. You don't need a lawyer." A lot of lawyers, with great respect to our profession, don't know anything about planning.

Mr Carr: Planners charge less per hour, too.

Mr Owen: The number of lawyers who appear before the board know little about the board. We're trying to create, for instance in assessment appeals, practice directions, like the certificate of readiness that the court has, where you can't get a hearing date until you're ready to proceed.

Although it starts to sound like we're legalizing it, I don't like that term, but if we're going to deal with lawyers I suppose that's one of the ways to deal with it. Do more of what the court's doing, simply saying: "No hearing until you're ready. No adjournments, and you've got to get your little ducks in a row." Lawyers always wait until the file. Don't look at the file until the night before, for heaven's sake. We've got 17 other people screaming at us.

I don't know the solution to that. If anyone can find it, we'll certainly solve the backlog of just about every body they appear before. Certainly practice directions and the assistance of pre-hearing conferences and the certificate-of-readiness idea should go some way.

There's a lot of adverse reaction to that pushing around, but perhaps we need to go back to the Legislature. Perhaps we need to get some more teeth so we can do some of this stuff and, like the courts, say: "Goodbye. You're just dismissed. We warned you we're not going to do that." Now we don't have that kind of power and I'm not sure we need it. I don't want to cater to lawyers because I don't think we have to have lawyers and I don't want to make the impression to the public that you can't win without a lawyer.

Mr Carr: One of the problems with the process is that it's very intimidating for a layperson, as you know, to come before—

Mr Owen: Intimidating before this committee.

Mr Carr: Yes.

Mr Owen: Not so bad so far.

Mr Carr: That's very simple among friends, but it is very intimidating, particularly when there's a great deal at stake, and I know many people have said that. The fact of the matter is that the average person looks at it and finds it very complicated. Is there anything we can do to simplify it so that an average person going before it will not feel intimidated like he does now? Is there any process we can use to do that?

Mr Owen: We start getting into, I think from the question, what the Sewell commission, among others, is looking at. Personally, in my experience, I try to allay and I think I'm quite successful in allaying the concerns of the ratepayers. I personally believe very strongly that you've got to put people at ease. We're not a court. Most of the time we're appearing in little halls or kitchens or all kinds of things. We're not in the nice quarters at Dundas Street all the time, or these nice quarters, and it's a matter of training of members and the kind of members we have to try and make the public more comfortable.

The other side of it is a reliance on the information office of the board and the case workers who are there and the communication with ratepayers to tell them what's going to happen, to tell them what they need. We're doing that. I believe that a lot of the old concerns are not as real today as they were, certainly when I joined the board, and I want to keep that process going.

Mr Carr: Good. Thank you and good luck.

The Chair: We'll move on to Mr Wiseman and then Mrs Carter.

Mr Jim Wiseman (Durham West): I'm pleased to see you this morning. I have a few questions. The first question I have will determine where my questions go from here. Are you primarily and have you primarily been responsible for assessment reviewing, or have you taken part in the amendments to official plans?

Mr Owen: I have a broad general experience on the board. I started out in 1983 as part of the assessment division in order to try to clear up—and successfully; this time we did—the assessment backlog in large part. Since then, I would say that after that three years, I've been doing general planning and that's the majority of what I am doing now. With the exception of major assessment hearings, that's what I've been doing.

Mr Wiseman: That leads me to my next question. I happen to represent a riding that is both a rural and urban riding. It's Durham West. It has Ajax and Pickering, which means it's under considerable urban pressures. The general view of my population of people who are involved in planning is that the Ontario Municipal Board is basically locked in the 1950s, basically irrelevant, does not take into account the Food Land Guidelines and has basically—they've used phrases like, "In the back pockets of the developers and has absolutely no relevance and is absolutely useless when it comes to protecting the interests of the rural area."

That's a pretty harsh indictment, but I have some difficulty with what the board does and I'd like you to see if you can clarify that and clear it up. In the community I come from, it has an official plan but the official plan is

irrelevant, because they change it on a regular basis and then when anybody appeals to the municipal board, the municipal board upholds the changes to the official plan without putting it into any kind of context.

We have some development in Ajax that is probably the most horrendous development and misplaced development you can possibly conceive of because of changes that have been made to the official plan and upheld by the Ontario Municipal Board. You go from a low-density, single-family dwelling subdivision into a high-density area across the road, with no transitions or anything, because of the way the official plans have been amended in the past. Could you comment on that, and do you think official plans should be that easily amended?

Mr Owen: We are a quasi-judicial administrative tribunal and the decisions the board makes are the result of the evidence produced at the hearing by the various parties. That is the basis upon which we make our decisions. There is usually a loser and the losers are never very happy. I happened to be in that general area dealing with a matter where the ratepayers won, much to the chagrin of the developers and their proponents.

One can always find, I think, isolated, or perhaps not so isolated, issues where developers seem to win, but on the basis of simply talking about an official plan, it is a guide to development in the municipality, and if there's a problem in the province, it's that municipalities are not updating their official plan. There may be lots of reasons for that, but when you have the regions of York and Peel not having an official plan, what can you do? The board is only dealing with what's in front of it. Now, fine, we make amendments to official plans, but that's based on particular evidence.

1100

Let's say it was affordable housing. I don't know what it was, but if it was affordable housing, one of the concerns of the government and previous governments has been the provision of affordable housing, particularly non-profit and cooperative housing, which usually means higher densities which may, under some circumstances, on the basis on certain evidence, make good planning sense given the other concerns of the importance of affordable housing. I can't get into the specifics of that one. I just simply don't know that issue; but yes, official plans do change. They were intended to change.

It might be better if municipalities were able to do the five-year review that the act seems to require them to do, but there are lots of reasons why they can't. Money is undoubtedly one and staffing is another, and everything takes a long time to do.

Mr Wiseman: So basically what you're saying is that consumers buying a piece of property, if they go through all the hoops of checking out what the zoning is behind them, don't really have any right to expect that the zoning is going to stay intact.

For example, the reason I'm here is because I bought a piece of property. I checked out the zoning behind me, and before I moved in the municipality had changed it from public use to commercial use—in other words, a 42-foot

building behind my house, less than 52 feet from my back window.

Consumers have no protection in this regard if they cannot expect to go to the Ontario Municipal Board and have some teeth, in that they can say, "The official plan said this; we checked it and this is why we bought, and then we go and find out that the Ontario Municipal Board isn't going to uphold the rights of the consumer." This is the kind of frustration that is in my area, because it's happening all the time.

There was another old public space. It was a greenbelt. It was zoned that way in the official plan. It was rezoned almost overnight. There were 16 people who made presentations to the council and they were ignored. It was rezoned for six commercial, 20-storey towers, just like that and it was upheld at the Ontario Municipal Board.

The problem I have with the board is—and it may not be your problem; it may be in the legislation, and this is the question—that the legislation says "have regard to." For example, the wetlands policy is a guideline that's put in section 3. We've had a case in the Ganaraska forest where the commissioner said: "Oh, well, I've had regard to it. I looked at it and now I'm ignoring it and going ahead."

It says in the official plans in part 3, "The municipal board may make any decision that the minister could have made." The board has that kind of power. It's stated here with some descriptions. But how can they allow these kinds of developments to go through? We're seeing, on a constant basis, regeneration—the Crombie commission report on sustainable planning—and none of this seems to be reflected in the decisions the board is making.

Mr Owen: Again, that's not a decision of mine, and I don't want to discuss that particular decision. However, the board, again, simply deals with the evidence that's presented. If the government or a ministry has a particular concern, as they did in the Palladium hearings in which I was involved in Ottawa, and if the ministry chooses to appeal or appear, very frequently that's the kind of evidence that can sway the board in whatever direction the ministry would like it to be, on the basis of evidence.

We do regard those policies, and we do regard them with care, in my view. I do, anyway, and I think the board members will, as a whole, but it isn't just a piece of paper. We need some people there to tell us why this policy is so important in this area. It's really not appropriate for us to simply read the file. We wouldn't have to have any hearings. That would get rid of the backlog; we'd do the paperwork. We need the people to turn up, and I presume in that particular hearing the people who turned up presented a better case in favour of whatever the development may have been than the people in opposition.

Mr Wiseman: But this gets back to the catch-22 that Mr Carr was raising and the fact that a lot of the people appearing don't have lawyers and can't afford planners. The developer who comes in with his great maps, great charts, flow diagrams and environmental studies clearly would have the advantage. What the guidelines in terms of the wetlands policy, the Food Land Guidelines and the Oak Ridges moraine—I've got a case where the council

has okayed something on the Oak Ridges moraine and it's going ahead.

This isn't something I think the general public should have to know coming in. I think it's the responsibility of the board members. The criticism we had of the board from the Preservation of Agricultural Lands Society is that you seem to make the decisions in isolation from all the other information you should know going in.

The Chair: I'm afraid I'm going to have to jump in there. We're over the time. That concludes the review. Mr Owen, we appreciate your appearance here today.

MARY ELLEN JOHNSON

The Chair: The next witness is Mary Ellen Johnson. Welcome to the committee. Mrs Johnson is an intended appointee as vice-chair of the Ontario Municipal Board. Again, this is a half-hour review. This time we're looking to the government party to lead off.

Ms Jenny Carter (Peterborough): Could you tell us something about the process by which you were given this position?

Mrs Mary Ellen Johnson: My appointment to the board?

Ms Carter: No, for the vice-chair.

Mrs Johnson: There was a competition within the board. There were, I believe, six or seven board members who applied. We were interviewed by the chairman and a representative of the Premier's office. My colleague Mr Owen and I were chosen or selected to proceed further in competition.

Ms Carter: Can you give us some ideas as to how the board can respond to planning issues raised by tenants' and ratepayers' associations?

Mrs Johnson: Are you referring to need for more housing or to matters under the Rental Housing Protection Act?

Ms Carter: Planning issues.

Mrs Johnson: You'll have to assist me. As you know, the board acts through its hearing of appeals. Are you thinking of an appeal that has come to the board or a type of appeal that comes to the board involving ratepayers or tenants?

Ms Carter: Either, yes.

Mrs Johnson: Let's assume it's ratepayers. This is housing?

Ms Carter: Yes.

Mrs Johnson: All right. in the course of an appeal, the board wants to hear the concerns of any party or concerned citizen who comes forward and feels that a planning issue or an appealed application before the board isn't proper for one reason or another. The board hears those concerns through evidence, so it's important that the persons who come before the board are prepared to speak honestly and fairly of their concerns and to give the board the best impression they can, quickly and firmly, of where their concerns lie.

Ms Carter: One question that was raised just now that I think maybe we could just touch on again was the question of training board members, because it seems to

me that this is a very demanding board to be on and you do need to have a lot of knowledge and skills.

Mrs Johnson: Absolutely.

1110

Ms Carter: Would you have any ideas for improving that training or do you think it's pretty well in hand already?

Mrs Johnson: This is training of board members?

Ms Carter: Of board members by staff.

Mrs Johnson: Actually, the board is involved right now in its own training program. It has two incentives going forward under the auspices of the board. There are two subcommittees. One is a board subcommittee involved with the training of new members and the orientation of new members so they can quickly get their feet in the water.

The other subcommittee, which I have the privilege of chairing, is involved with ongoing education for board members. That committee has been in operation just over a year and we're coming up to our fifth or sixth workshop. This is member-generated. We bring in outside speakers, we use our own very talented board members and we use some of our own staff people.

Our attempt and our approach—and I think it's very successful; it's being extremely well received by the membership—is to make sure that we are sensitized to the problems and needs of society, which are ever-changing, and to changes in the world and the complex matters that are coming before the board at the moment, such as environmental issues and matters of that kind. This is a very changing world, and we've got to move with it.

Ms Carter: It certainly is. I understand there have been complaints by groups of citizens appearing who didn't have legal support. I would hope that board members are being sensitized to that.

Mrs Johnson: I would hope so too. I'm concerned to hear that. From time to time I'm sure things may go a little awry at a hearing, but the approach of the board, the general philosophy of the board, is that an unrepresented group or an unrepresented individual coming before the board is treated with all the respect that any party carrying armfuls of lawyers and expert witnesses would have. Indeed, board panels as a rule bend over backwards in the other direction until sometimes we're criticized for being too helpful and too attentive, perhaps, to the unrepresented persons. So most of the time I think you'll find that we do that. If once in a while we slip a little bit, I'm sorry, and we'll try to do better. We are trying to make our new members very much aware of that; indeed, they are aware of it.

Ms Carter: Do you have any thoughts on intervenor funding for people who maybe don't have a direct interest in the case and are just appearing because they have some broader concern as citizens?

Mrs Johnson: There are a lot of issues caught up in intervenor funding, and we have to think about several factors there. One is that the cases we have in front of the board where intervenor funding would be appropriate are probably cases where there are large public issues involved, and great numbers of members of the public and

individuals and groups wish to be represented because of their very strong concerns.

These cases, when you come down to it, are not that frequent. There may be 20 or 30 of them a year. They usually involve matters like official plans, environmental matters and things of that ilk. I can see very much a role for intervenor funding there. We often have groups come in front of us without counsel and, again, we do our best to assist them, but they would feel more comfortable, their input might be more meaningful, and the hearing might be more expeditious if they had intervenor funding.

Having said that, the next question is: How would intervenor funding be determined? How would the selection of the hearing and the groups be made? How would it be monitored? Finally, where would the funding come from? Those are all issues that have to be sorted out. There's some guidance in what has been happening with the Intervenor Funding Project Act and the environmental assessment matters, and we can look to that. But generally speaking, I think in a very special kind of hearing, intervenor funding for groups that are recognized, that show their ability to act in a responsible manner and that wish to go ahead should be looked into, very much so.

The Chair: Mr Frankford for about two and a half minutes.

Mr Robert Frankford (Scarborough East): You're a lawyer and a planner?

Mrs Johnson: And a public administrator. I'm all three, sir.

Mr Frankford: Would you like to make some comments on community involvement in planning on a broader scale? My impression is that in the past what went on was very site-specific. Now the approach is more broad. I'm thinking in particular of one decision that I've read very recently which certainly raises broader community planning questions.

Mrs Johnson: I don't think you can have a community without community planning, and in Canada the input of the public in planning has become more and more pronounced in the last 20 to 30 years. Now we see the fruits of work in the 1960s and 1970s. We see established community groups that follow all the community incentives and the changes in official plans that may come forward in municipalities. They're established, they have a long history themselves—they should have—and I would hope that municipalities and indeed the board rely on their input and involvement. They should be encouraged and they should be playing a role, and they are playing a role.

Mr Frankford: Do you think they have enough access to independent planning advice, or do you see ways in which the board could be helping them develop that?

Mrs Johnson: That's asking the board to step a little beyond its mandate. I think your question is perhaps better put to municipal leaders and to groups at other levels. Our mandate begins when an appeal is made to us and we become involved at that level, and when people are before us, as my colleague Mr Owen said, we are bound by the evidence we hear. If we have a community group come

before us and it doesn't really have the evidence it needs or that we should hear, that is terribly unfortunate.

It's difficult. I think that may be where your question was going. We would endeavour to assist them by saying, "Perhaps evidence is needed in that line," or they may see it themselves as the hearing unfolds. We would try to make allowances and get them perhaps to ask for an adjournment or something like that so they could go out and get some planning advice. Now you're talking about the thing that was raised earlier, intervenor funding. How do they pay for the planning advice? It isn't cheap.

The Chair: I have to jump in at this point. We'll have to move on to Mr Grandmaitre. My apologies.

Mr Grandmaitre: First maybe I should declare a possible conflict of interest. Ms Johnson worked for me for three and a half years when I was mayor, and I can tell you, she is the best member of the OMB.

Anyway, going back to the problems municipalities are having with the OMB—and this is not a speech—I spent two and a half years as the Minister of Municipal Affairs, and I was very surprised at the number of municipalities that didn't know anything about the OMB, its functions, its responsibilities. I was very surprised.

Going back to what my colleague Mr Wiseman was alluding to, I think you have a responsibility to put on seminars and promote yourselves and explain to not only the newly elected municipal officials but all former municipal politicians as well what your responsibilities are, because too many municipalities in this province are taking advantage of the OMB. They're shying away from their responsibilities and saying: "Let the OMB resolve it. We don't want to make a local decision." I think that's a big problem in this province.

I want to emphasize the fact that I think you should have some kind of program to educate local politicians about your responsibilities, and now that you're under the wing of the Minister of Municipal Affairs, I think it's also the responsibility of the minister to create these seminars. I know Mr Kruger will tell me, "We'd like to do it but we don't have the money, so let the minister pay for it and go around this province and educate people."

1120

I want to talk to you about the added responsibilities you people have gained in the last five or six years. I've asked your colleague Mr Owen his thoughts on these additional responsibilities. I've always thought the OMB had no business in the assessment. When I was Minister of Revenue I tried my darnedest to get the OMB out of that business. What are your thoughts? Maybe I should have asked Mr Owen, because he was part of the—

Mrs Johnson: You're speaking of assessments in particular?

Mr Grandmaitre: Assessments and the added responsibilities you've gained in the last five or six years, because you've become a big monument and people are scared.

Mrs Johnson: We're also the court of last resort for individuals; we're the court of last appeal.

Let's start with the assessments. The assessments represent in many cases a home owner's appeal of his assessment.

He wants to have that appeal. There has to be a court of appeal for him. Where would that court of appeal be? It's a matter related to property. The OMB has developed an expertise in assessments. We have the ability to conduct hearings that are objective and fair. It seems to me that the board hearing assessment appeals is entirely appropriate and that's something we have absorbed and perhaps should continue.

Another matter that often is raised as a possible thing the board could dispense with is appeals for minor variances. Again, you're talking in many cases of individuals, of appeals to make a small change to a family home or the grocery store on the corner. You may be speaking of other things as well, but let's talk about those very basic things. Those are individuals who go in front of a committee of adjustment. In many cases, we're dealing with a committee of adjustment in an urban area that's incredibly busy. They hear 40 or 50 appeals in an evening. The person feels he hasn't had a fair hearing if he's turned down, or conversely, the neighbours who came because they didn't like the sound of this at all. They're very concerned about their homes, their investments, their neighbourhoods, and that application was granted at the committee, authorized at the committee, and nobody really listened to them.

They want a forum to go to, an independent forum that they feel is free of all political ties, that's fair, that's open, that's practical, where you can come without a lawyer or a host of planners if necessary. I think the Ontario Municipal Board provides a signal service in regard to the hearing of appeals for minor variances. Perhaps they could be heard by municipal councils, I don't know. I think people feel better when it's in a non-partisan setting such as the board is able to provide.

Mr Grandmaitre: But there are also added costs to municipalities when you have to appear before the OMB. Anyway, one last question and I'll pass on to John.

How about your term, Mary Ellen? Do you think it should be for ever or should we have a limit on it?

Mrs Johnson: That's a question that's been very much debated, both within the board and elsewhere, and there are great concerns about it. As you know, the present term is three years, renewable for a further three years. I've had a wonderful three years and I've been renewed for a further, I hope equally wonderful, three years.

When I first came to the board, I came in a very free, very open way, because personally I've had no problems, as you know, in my own life and in my career. I've been very flexible and very movable, but it's not that way for everybody.

We need to have on the board the best people we can get. We need to attract to the board people from all walks of life and people from all parts of the province. I'm thinking particularly of attracting people from the north and the east of the province to be board members. If they are to move closer to Metropolitan Toronto, and that sometimes seems to be the best course of events, then they have to uproot themselves, leave their homes. It may mean a spouse uprooting as well and leaving a career; now we're dealing with two-career families and all sorts of things that

we didn't have to contend with 20 years ago. Those things all have to be weighed.

It may well be that the best people have to say to us, "We're sorry, we can't come unless the term is a bit longer." I don't think it should necessarily be for ever, but I think it should be renewable for a longer term. I also think that the possibility of board members at the end of their terms moving on to other boards and tribunals should be something they have in their own thoughts and their own training programs as potential matters.

Mr Grandmaitre: Good luck.

Mr Cleary: Mrs Johnson, you've been a member of the board for a few years now.

Mrs Johnson: Four years.

Mr Cleary: What is the average length of time—when I say "average," maybe it's not a fair question—an appeal would take?

Mrs Johnson: To work through the board system? The waiting time from the moment an appeal is fully perfected—that is, it's all ready to be heard—comes in is 15 to 18 months. We have a backlog which amounts to 15 to 18 months of work; that's not satisfactory and we know it.

Mr Cleary: How does that compare to when you went on the board?

Mrs Johnson: It's slightly greater. The board has been labouring under a backlog for some years.

Mr Cleary: What do you think the first step would be to improve that, to get that time frame down?

Mrs Johnson: There are a number of steps the board is taking at the moment to decrease the backlog. We're working on a number of matters in a coordinated fashion. For one thing, we've obtained a few new members. It might help if we had a few more; I know it would. We are conducting something we call pre-hearing conferences to decrease the time that a very long hearing would take, to define the issues in a long hearing and to perhaps settle some matters, things like that.

We're involving ourselves in mediation and negotiation to a greater extent than before. We're becoming more experienced in that, but we have to become more experienced than we are now because that is a very important thing. We're using lists of short hearings to bring them together—

The Chair: I have to jump in there. Mr Carr, please.

Mr Carr: First of all, thank you for coming. I appreciate the opportunity.

My question's along the same line. I talked with Mr Owen about the backlog. It doesn't make you feel any better, but it's happening with everybody who's coming before us: The Ontario Human Rights Commission is backlogged, WCB is backlogged; members here can spend 60% of their day dealing with those problems. The rent review board is backlogged 6,000 cases. Indeed, as a lawyer you know the courts are backlogged such that the Askov decision sprang about 40,000 cases.

In each of those cases, people come before us and say, "Better case management; we're going to computerize." There are two options. One is more members, which the

Human Rights Commission said would do it. I think it's safe to assume that no group is going to get any more members, because of the scarce resources we're facing.

Isn't it true that some of the things you talked about, the conferences, the mediation and so on, are really just scratching the surface, that in spite of this effort we really won't make a dent in the backlog because the number of cases coming in increases each year?

Mrs Johnson: No, I don't agree at all. I think case management already in the board is making a difference. It may not show as yet, but we're moving in a very organized way to decrease the backlog. We're aware of what those cases mean. Those are people, and we know how important this is. I think the impact of what we're doing now will start to show in three to six months. These are things we must do and that we are doing.

1130

Mr Carr: I think of the Human Rights Commission. That's what it did. They commissioned Coopers and Lybrand to come in and have better case management and computerize. At the end of the day, it got worst.

With regard to intervenor funding—all of us here hope the case management will improve it—my fear is that you'll take a great step forward, hopefully, with case management, but that as a result of intervenor funding we will have more people appearing, and a year from now we will be sitting here with a bigger backlog. Do you agree that intervenor funding will allow more cases to come in and increase the backlog?

Mrs Johnson: Let me answer that in this way. The cases are coming now. I don't think people are deterred from appealing to the board or becoming involved in major appeals to the board. In intervenor funding, again we're talking about major cases and long-term cases. Those cases are not being deterred because of the lack of intervenor funding; they're happening.

But what's also happening is that because the persons who are major players as to being citizen appellants are not represented by competent counsel and do not have with them the expert witnesses they should have, the true expert witnesses who are needed to balance whatever is on the other side, the hearings take longer. They don't take less time; they take a great deal longer because people don't know how to present their case. They labour to do so. They're entirely sincere in what they're trying to do.

The board members, as I mentioned earlier, attempt to the best of their ability to assist. As I say, we get to the point where we're stepping over the line in terms of whether or not we're conducting a fair hearing vis-à-vis the proponents of the project, and they have lawyers who call us to task for that.

These hearings take longer. Matters happen which may open it up for appeal on points of law and that sort of thing. I think initially, yes, you're going to lose a day or so while a hearing might be held as to the granting of intervenor funding, but I think in the long run the cases themselves will be shorter in length because they'll be more efficiently and effectively conducted.

Mr Carr: One of the government moves was to appoint Dale Martin. I think his title is facilitator. In the Legislature, Chris Stockwell said that's a good appointment because if you appoint somebody who is the best at holding things up and slowing things down, he may be the best person to be able to turn things around. One of the concerns is that basically what he will be doing now is picking and choosing, because of the backlog, what will be coming before it. Do you agree with that step and do you agree with somebody having powers to be able to push something to the head of the line, I guess to use a better word, and how do you see his role? Do you think it will help or what?

Mrs Johnson: It's not in my knowledge that this is happening at the board level. Our process is that appeals come to us as appeals. They're filed. They're perfected. They're made ready to go and then they become part of the system. I stand to be corrected, but as yet I have not seen that activity happening. It may be happening; I'm not sure. The matters that do go to the head of the line are affordable housing projects, and it may be only four to six months that they're waiting.

Mr McLean: I have a couple of questions. What I'm gathering is that the OMB is not what it was intended to be any more. What I'm hearing from you is that people are going there and they're not prepared. I always felt the OMB was a board that sat down and listened to common-sense approaches, that you didn't have to have a lawyer if you wanted to go to it, that you could do it on your own. What I'm getting from you is that you're saying people are not prepared. They're coming there and their counsel is not even prepared. Therefore, you have to be a lawyer in order to be part of the process.

Mrs Johnson: I hope that's not what I said, sir. The discussion was directed to long hearings, very cumbersome landmark hearings. These are hearings that may go on for six, eight or nine months, where the issues are extremely cumbersome and there may be lawyers, up to 10 or 12 on one side, four to five on another side, and one ratepayer group sitting there without representation all by itself trying to contend with these other people.

By and large, sir, most of our hearings are the very hearings you described. I was speaking of that earlier in terms of the minor variances, appeals and the assessment appeals. The board is there as the court of last resort, as it's always been, to represent the person who comes before it without counsel, without witnesses, to hear what his concerns are, to hear his own evidence as a witness if he's got no one else with him. That's the way the board has functioned. We've always made the public welcome and, as I say, we've bent over backwards to assist them.

Mr McLean: Okay; we'll do a couple more questions. In your opinion, what should the length of the appointment to that board be?

Mrs Johnson: I think the length of appointment to the board should be longer than the current three-year renewable. Perhaps a seven-year or 10-year renewable would be an approach that should be considered. Another approach

is to return to the at-pleasure appointments which were the norm before—

Mr McLean: I didn't think there was any stipulation at the present time of the length of the appointment. I think it may have changed. Has it changed by regulation?

Mrs Johnson: Currently, the act has not been changed. The act says appointments are at pleasure, but the appointments in recent years have been for three years and our understanding is that they are perhaps, if behaviour has been appropriate, renewable for a further three years but no longer.

Mr McLean: I'd like to go back to the question of intervenor funding. You indicated that you didn't think intervenor funding would increase the case load of the board.

Mrs Johnson: No, because the very specific, long, difficult cases come to the board anyhow. They're there. They're cases like the Etobicoke waterfront hearing. They're cases like the regional municipality of Ottawa-Carleton official plan hearings. They're very important cases. They involve all sorts of economic, environmental and social issues which should be at the board.

Mr McLean: What are the criteria laid down for intervenor funding?

Mrs Johnson: At this point, the board does not have intervenor funding at all, so there are no criteria. We cannot order intervenor funding no matter how meritorious the case of the person in front of us may be. However, there has been some work done as to intervenor funding with other boards.

I believe the criterion is that the appeal in question be a very major matter where the public interest is at stake, that the public should be represented in all its aspects, that the persons who come forward are truly representative of the public and are a responsible group, that they've tried elsewhere for funding, have tried to raise it on their own and indeed may have raised some of it on their own, and that they have the means to take the intervenor funding they receive and use it responsibly and well.

Mr McLean: Thank you. Being raised on a farm—

The Chair: I'm sorry. You're over the two minutes now, Mr McLean. Mrs Johnson, that concludes the review. Thank you for your appearance here today. We wish you well.

That concludes the meeting for this morning. We'll reconvene at 2 pm.

The committee recessed at 1137.

AFTERNOON SITTING

The committee resumed at 1401.

CHRISTIE ANN JEFFERSON

The Chair: Come to order, please. The first witness this afternoon is Christie Jefferson. Welcome to the committee.

Ms Christie Ann Jefferson: Thank you very much.

The Chair: Ms Jefferson is an intended appointee as the chair and member of the Health Professions Regulatory Advisory Council. This is a half-hour review, 10 minutes allocated to each party represented on the committee. Your review was at the request of the government party. I'll look to Mr Wiseman to begin the questioning.

Mr Wiseman: I'm not going to ask any questions. I think you're a member of my riding. You live in Claremont?

Ms Jefferson: That's right. I hope that counts for something.

Mr Wiseman: I don't know what. I just want to welcome you here and indicate that this process has been developed to open up the process for appointments to agencies, boards and commissions so that all of the population can see how it works and can be included in the process. We're a friendly lot.

Ms Jefferson: I'm quite happy to be here, actually.

Ms Carter: I understand that some of the obvious groups that might be represented on this board are in fact debarred from it because of conflict of interest, so that only leaves certain other categories, into which you evidently fall. Could you tell us how your background and experience fit you for this position?

Ms Jefferson: Certainly. I have been an executive director of charities for the last 15 years and have quite extensive management and administrative experience. I've dealt with budgets of up to \$2 million and staff of 20-some. Certainly, in terms of the administrative side I have very strong experience. I am not a lawyer—I'm a criminologist by training—but have for much of my career been involved in legislation, legislative review and regulatory reform and I think have a sound appreciation of that as well as an ability to demystify the law and the regulatory process so that there can be meaningful participation of non-lawyers in that process.

I've also been involved in a lot of delicate situations that required mediation and negotiation skills and patience. I really have learned through a variety of situations how to handle disparate interests in a way that hopefully consensus can be built.

Ms Carter: As I'm sure you know, there are various ongoing controversies that you're going to find yourself involved in. One that has been brought to my attention as an MPP is the dispute between optometrists and ophthalmologists as to what can be done by the optometrists as opposed to what is beyond their turf. Do you have any opinions on that?

Ms Jefferson: I don't, which I think is one of my advantages. I'd have no axe to grind at all.

Ms Carter: You can have opinions without having an axe to grind, which is why we need you.

Ms Jefferson: That's right. I certainly am a firm believer in thorough, open process. I think our council would meet with both parties as well as talk to interested consumer groups and public interest groups about the debate before us and hopefully engage in a process whereby people felt heard. My understanding is that the review process most groups felt was fair even if they didn't necessarily get what they wanted. That is the way I would approach it.

Mr White: I'm very impressed with your résumé. Frankly, it looks like we have an excellent person for what will be a very difficult role. We're talking about a whole set of laws, a whole set of new regulations. Let me get straight to a couple of tricky questions.

You've been involved in a lot of women's groups like the Elizabeth Fry Society, LEAF, the Women's Legal Education and Action Fund, Opportunity for Advancement, which I know is a very progressive group. In your letter to the minister, you make mention of your work with survivors of violence and sexual abuse. In the recent report, about a year ago, of the Ontario Medical Association I think it was—

Ms Jefferson: The task force report?

Mr White: The McPhedran report? It talked about sexual abuse of patients. Frankly it wasn't, as it sometimes occurs in the novels or the mystery television programs, by some dentist who drugs a patient. It wasn't through use of technologies, but through counselling in a counselling environment. What are your thoughts? In the health care professions, the majority of the professionals are women, but so are the majority of the clientele. Where there are abuses, it's in a trusting relationship with women most often.

Ms Jefferson: To be quite frank, that's one of the things that attracted me most about the position, the opportunity to be involved in the progressive changes that need to occur hand in hand with the professions in dealing with what is in fact a breach of trust. I think there are few kinds of situations that can be as powerfully debilitating as that kind of trust in a professional that's violated. I think, though, that the task force report is certainly a model and the kinds of recommendations are quite interesting.

There seems to be a real commitment on the part of the college, and hopefully other colleges, to undertake this kind of work in a voluntary, progressive, self-regulatory approach. It's something I'm hoping can be the case. I certainly don't believe in overregulation. But I have had a lot of experience in the area of abuse; I've been involved in the development of the "No means no" legislation. Certainly, in all my work, whether with single mothers or prisoners—for example, about 80% of prisoners in the Prison for Women are self-disclosed survivors of abuse and quite often at the hands of people they trusted.

Women with disabilities are four times more likely to be sexually assaulted, usually by a care giver, than women who don't have disabilities. I think I can bring that kind of

knowledge and those kinds of connections to inform both the council and help inform the colleges so that the intent of the legislation is carried out effectively.

Mr White: You spoke a few moments ago about the OMA and the College of Physicians and Surgeons and how they've undertaken to deal, within their self-regulatory body, with this problem. Yet I've heard people say that, for example, social workers, psychology, other counselling professions would be better regulated through common law. You're suggesting that a college, a disciplinary body of self-regulation, would be more effective.

Ms Jefferson: I'm not suggesting more effective. That's what the legislation now has set out. I think it behooves the council—if I'm appointed, I would certainly take this approach to see how that works; the educational approach of seeing whether or not colleges will in fact implement effective policies and procedures dealing with sexual abuse of patients.

In the long run, if they don't, then we would have to review what options are available and whether further specific policies and regulations laid out in the regulations in the health act itself or whether some other mechanism would be more effective. Again, I think that would be a consultative process. There are no magic solutions to these kinds of issues.

Mr White: Within the health disciplines, those bodies, the medical association, dental association and psychologists, which are all male-dominated professions, are the only ones which are allowed to use the term "doctor" and essentially have roles, even within their legislation, which sets them up in a way significantly above the other regulated health professions, which are primarily female-dominated. Any comments on that?

1410

Ms Jefferson: Certainly I think in general there is a need to look at the equity issues, both in terms of gender but also in terms of racial representation in health professions. But at the same time I think this committee has a specific role, and who gets, for example, fees under OHIP is not something that would fall within the gamut of this particular council. However, ensuring that the public has choices of regulated professions where you're assured there's some kind of body that is training and regulating, a variety of options, I think begins to build that kind of equity and development of alternatives in Ontario.

The Chair: This has to be very brief, Mr Frankford. Actually, we are at the 10-minute mark, but I'll let you have a quick question.

Mr Frankford: I guess you will be overlooking the way the health turf is divided up. Would you like to comment on the physicians' right to diagnosis?

The Chair: You have 30 seconds.

Ms Jefferson: That's a very controversial area, I do realize. Certainly that has been one of the exclusive rights and one, I gather, that is a matter of hot debate. I think the kind of training that doctors receive certainly qualifies them to do some kinds of procedures and controlled acts that probably most other professions should not be doing.

However, what's the role of the nurse practitioner, for example, who can be very helpful in dealing with common problems and may not need necessarily to refer the patient to a doctor? I think there's some room for development in this area, but that would have to be very carefully thought out.

Mr Cleary: Ms Jefferson, do you approve of the recent amendments to the Regulated Health Professions Act?

Ms Jefferson: They seem to make a great deal of sense. There are clearly some issues not dealt with yet, but I think the approach seems to be a fairly sound one.

Mr Cleary: Are you in favour of additional health professionals being licensed by the provincial government? Why or why not?

Ms Jefferson: The criteria that were developed by the review make a lot of sense to me. I'm not a great believer in regulating for the sake of regulation. I suspect there are some professions that need not be regulated. However, I know there are areas still in question, like naturopaths, like registered nursing assistants, that would have to be looked at right away by the council in terms of whether they do meet these criteria. I don't know whether that answers your question fully enough.

Mr Cleary: Do you believe in the institutional approach to health care or a community-based approach?

Ms Jefferson: On the whole, community-based health care is probably ideal for day-to-day health problems. At the same time, I don't think one can only deliver health care through that kind of model. There will still need to be institutions where there is specialty that has the equipment and knowledge available within an institutional setting for more complex medical problems, but on the whole I favour options and a community-based, cost-effective, efficient health care system.

Mr Grandmaitre: What are your thoughts on the ongoing dispute between RNs and RNAs?

Ms Jefferson: Once again, I can't claim to have a great deal of knowledge about the dispute other than that I know it's happening and haven't come to any final conclusions. I know the RNAs are very anxious to have their own college and have been unhappy with the present situation. Again, I can respond to you on process, perhaps, of how I'd come to a final decision or how the council would: I think talking to both parties fully so that everything is on the table, as opposed to innuendoes and talk behind closed doors, to get it out in the open; give people a chance to review a tentative decision so we can make sure we've taken everything into account and have some public comment, legislative comment perhaps, and then make the final decision.

I know there is almost always more to something than meets the eye. I've learned a couple of times in my earlier days the hard way by leaping before asking. I'm pretty thorough. I believe in a fair and open process, and the chances of coming to the right decision generally are pretty good.

Mr Grandmaitre: Last month I had the opportunity of meeting both sides of the argument, the RNs and the RNAs. There's a rumour going around in the Ottawa-Carleton area

that hospital administrators are closing beds for the simple reason that they're getting rid of RNs because they've become an expensive item around a hospital. They claim that RNAs can do as good a job as registered nurses. What would be your answer to this kind of rumour.

Ms Jefferson: I certainly would want to, first of all, get at the source of that rumour. I would want to talk directly to hospital administration and find out if in fact this is going on. I think the council is created to represent the public interest. We will have access to some money to hire experts, if necessary, to actually do a study on it, and find out the facts before leaping to a conclusion. I certainly would not want us to make any decision based on rumour and innuendo. I'd want the facts.

Mr Grandmaitre: This is the first time you've heard of this rumour?

Ms Jefferson: Yes. I did not know of this particular situation.

Mr Grandmaitre: We've been losing a lot of RNs and RNAs to the south. A lot of them are moving to the United States for a number of reasons. How can we prevent this exodus of our qualified professional nurses?

Ms Jefferson: It's a very good question. I'm not sure what the council's role would be in that, except perhaps to look at and work with the colleges in terms of what their membership criteria are. There are a lot of nurses, for example, trained in other countries who can't even get licensed here. It's a great source of frustration that there is this whole pool of qualified people who can't get their foot in the door while there's this exodus.

My sense is that the council could be helpful in increasing the pool. Whether or not we might be able to make recommendations regarding financial matters, which it sounds like this is—in other words, I know that they're offering a lot more money and perks south of the border. That's something that wouldn't fall directly within the realm of the council's work, but I suspect we could have the opportunity to make recommendations or comments on what we would feel would improve that situation and make Canada competitive to keep good nurses.

Mr Grandmaitre: Do you think our guidelines are too restrictive in Canada or in Ontario to make foreign nurses, RNs or RNAs, welcome to Ontario?

Ms Jefferson: That's the sense I've had. It's certainly a very consistent complaint by a large number of organizations representing different immigrants and racial minority groups, that they are being excluded and not having their skills utilized. There just seems to be these hoops of fire they need to jump through, and they're not in a position to, having arrived on our doorstep.

I think it's certainly worth reviewing; again, however, keeping the public interest very much in mind. No one's suggesting that unqualified people should be filling in for nurses, but I think it has been a problem of unnecessary qualifications and procedures that don't have anything to do with actual ability to do the job.

Mr Grandmaitre: Recently, I was talking to a number of high school students, girls and boys, and nursing

was one of the topics of discussion. One young lady told me that at one time she'd thought of becoming a nurse, but with all the things that are happening in the province, the cutbacks in health care, cutting back on hospital beds and so on and so forth, she was seriously thinking of choosing another profession. How can you regain this confidence? How can you build on this confidence and give these young people an opportunity to practise or to graduate in what they intended to do, when right now, with all the bed closures or cutbacks in the health care system, it's discouraging to some young people?

1420

Ms Jefferson: Yes, that is a reality and one that is not about to go away. I think there are a number of possible strategies, certainly for there to be more public education as to what actually nurses can do, what kinds of opportunities are available, including the community health setting, whether it's public health nurse or what have you.

There are a lot of options. I think we have in our minds a sort of classic picture of the nurse as working on the floor in a hospital when the opportunities now in community health centres and other community-based facilities are fabulous for young people who are interested in a nursing career. I think there hasn't been that educational, outreach work done to let young people know that these opportunities are there and it's still a very exciting field.

Mr Grandmaitre: Good luck to you.

Ms Jefferson: Thank you.

Mr McLean: Welcome to the committee. I notice on your résumé you indicate that you were "responsible for securing and maintaining all government funding and for developing and meeting a budget of just under \$2 million."

Ms Jefferson: That's correct.

Mr McLean: What organization and who was involved in that?

Ms Jefferson: That's the Women's Legal Education and Action Fund, or LEAF as it's usually referred to. That's a national charitable organization that was created to take on test cases in the courts using the Charter of Rights, so the funding base is very mixed. It's some government—also the court challenges program, one of the major sources, has recently been cut. The organization has about \$700,000 worth of donated legal services, but it has to raise about \$600,000 a year from everything from direct mail to selling cookbooks—one has to be very creative in this climate.

Taking advantage of various subsidized programs, for example, the social assistance employment program has been a tremendous source of support for LEAF and we've ended up hiring many of those women. It's quite a mixed bag, so I've had quite a bit of exposure—of course foundations and corporations as well, so a good cross-section. I'm very comfortable with budgets and handling money and juggling to make ends meet.

Mr McLean: Did you have a deficit?

Ms Jefferson: We had a \$3,000 deficit this year on \$2 million. That's pretty good right now and that's the only one since I've been there.

Mr McLean: The letter you sent to the minister says, "I have a deep personal and political interest in being an effective part of the changes that are occurring in Ontario's health system." What do you mean by "political interest?"

Ms Jefferson: Small-p. I have been an executive director, as I mentioned, for 15 years of charities and am totally non-partisan. I have never been a member of a political party, I've never helped a candidate run for office, because I think it's extremely important that the objectivity of the organization be maintained.

By political, I mean literally in the small-p sense of the word, in the sense of I am looking forward to being part of changes in the health care system, moving towards those kinds of safe options for Ontario residents, community-based facilities, dealing with sexual abuse by professions. These are needed reforms I'm looking forward to being a part of, the political process in that sense.

Mr McLean: Good. I'd like to talk you for a while just with regard to district health councils. I certainly have some views about how efficiently they operate and the input that they make to the minister's office. Could I have your views on how you feel the district health councils have worked out across the province?

Ms Jefferson: My last direct exposure to health councils unfortunately is dated. It goes back to when I was executive director of a group called Opportunity for Advancement. My experience there was, they were kind of a closed door. At that point, six years ago, it did not seem easy to access those councils or be a part of that process. I have no idea if that's changed or not, sir, but I'd say there were causes for certainly looking at making that a more open, effective system, given that dated experience that I've had.

Mr McLean: I know they do phase 1, phase 2 and phase 3 of programs designed to make recommendations to the ministry, yet I sometimes don't see the input coming out of the minister's office after they have made it. I often wonder if they're used by somebody in the minister's office that they've started some 10 years ago.

Ms Jefferson: That I'm not familiar with, and I don't feel able to comment on just what it was like as a community group. It was a pretty far-off process that was very hard for us to access, but what happened between the minister's office and those councils I'm afraid I have no knowledge of.

Mr McLean: As the regulatory advisory council, what do you feel the main job will be with regard to the regulatory procedures?

Ms Jefferson: I really liked how the review put it, which is that the council is there and the regulations are there really not for the benefit of the professions but to represent the public interest, to make sure that we have qualified health professionals providing quality service, that we have options that professions that should be regulated are and, finally, that the whole issue of sexual abuse of patients by professionals is effectively dealt with, hopefully by self-regulation and, if not, by other means. I think that's sort of the general approach I would say the council's role is. In some way, it's not unlike the Legislature but a chance to be really hands-on.

Mr McLean: But as an advisory council, wouldn't it have had some input into the announcement the minister made yesterday?

Ms Jefferson: No, the council has actually not yet been set up. The hope actually is if everything goes well and this position is finalized, then the rest of the council members will be selected and it will be a two- or three-month process. This is a brand-new council and, to some extent, it's guesswork at this point what the full parameters will be. But it is being designed—I've been very clear about that in discussing the position—as an independent body that reports directly to the minister and through the minister to the Legislature.

Mr McLean: Really what it is, it's an advisory body to the minister?

Ms Jefferson: To the minister and to the Legislature in terms of whether or not further regulation is required, either bringing in new professions—

Mr McLean: But I thought that's what the district health units were supposed to be doing, advising the minister on what's taken place.

Ms Jefferson: My understanding, and again it may be outdated, is that they were also perhaps more oriented towards program development and policy development in terms of health initiatives, whereas this is looking at professions that have either never been regulated or have been regulated under very antiquated legislation.

That's the focus, so I think it's somewhat different. It doesn't mean we wouldn't talk with the councils. My understanding of the role is different, but I'll certainly clarify that. It's a very interesting point.

Mr Carr: Thank you very much for coming in. I appreciate the opportunity.

In speaking with doctors and nurses and hospital administrators, they say that in the overall scheme of things, looking at the Regulated Health Professions Act, from the consumer standpoint, which you've talked about, there's more chance that they won't be serviced because of funding issues, for example, things like the 1%, 2%, hospital beds being closed, nurses being laid off. They say when you look at it in the overall scheme of things, there's more chance that the public won't be served because we don't have the funds to serve them than the fact that we don't have health care regulated, and so, as a result, they're getting poor service, if you follow me.

Do you agree with that, and how do you assess where we are at with our professionals? I believe we have probably the best in the world and yet we're setting up a board to take a look at them at the same time when the biggest pressures come from the funding side. Can you maybe comment on why you see this being so important and why you want it?

Ms Jefferson: Certainly my understanding is that in fact the health professions themselves wanted this. There were something like 75 professions that came forward wanting to be regulated and it was a paring-down process. The exact reason why all 74 wanted to, I can't claim to know, but certainly I think there has been a call for the need to have contemporary regulations.

I don't think anybody's suggesting in the professions that they stop being self-regulating but within some kind of context as to who can do what and who gets what title and what each profession is able to do in terms of controlled acts and clarifying jurisdiction. Those are, I think, quite different issues from the funding issue and those are certainly very real and pressing concerns.

1430

This council's not set up and it's one of the questions I asked during the interview process: What will we have in funding? We don't. This council's there for that one piece. It seems to me, however, that the kind of situation I'm thinking of—I don't know if you're familiar with the midwives case, Sullivan-Lemay, that came out of British Columbia, where they were convicted of negligence. They are totally unregulated.

The midwifery task force here, for example, quite clearly said the public safety, the interests of the public, needs to be regulated and indeed midwives themselves want to see it regulated. They don't want quacks, they don't want people setting up shop and calling themselves something that they're not qualified to do.

I see them as different processes. I also think, though, as more choices are developed of safe and accountable professions, that we may see creative alternatives emerge that perhaps in the long run can meet the cost issues but still provide quality health care. I think a lot of those answers will come from the professions themselves.

Mr Carr: In terms of what you would like to see, I guess what I was trying to get at, and I probably didn't explain it very well, even though, for example, the nurses' association did want to have the regulations, the average nurse says, "This doesn't affect me as much as the fact I'm worried about my job and what's going to happen at the Oakville Hospital."

The Chair: Please direct your question, Mr Carr.

Mr Carr: What was I going to say now? In terms of the regulation, what would you like to see? Where are the major areas where you see regulation going to be taking place?

Ms Jefferson: It's not in the cost area, and that may be something that people mind in the long run. I think really to clarify, for example, on the issue of nursing, there are many roles that nurses could perform that could be recognized in regulation to allow for development and growth of the nursing profession that could be very welcome. I think it's one of the things we need to look at very carefully.

The Chair: I'm sorry, that will have to do. Ms Jefferson, I know it's frustrating for witnesses on occasion as well as members in terms of our time restrictions. We appreciate your appearance here today and wish you well.

Ms Jefferson: Thank you very much. It's a pleasure.

FRANK GIANNONE

The Chair: Our next witness is Mr Frank Giannone, who is an intended appointee as a member of the Ontario Housing Corp board of directors. He's been sitting in the audience so he understands how this process works, and we'll look to Mr Waters to begin the questioning.

Mr Waters: I have a couple of questions. One thing is, I'm very glad to see that we have a home builder or a builder sitting on the board. We have a stock of housing out there about 25 years old or better that, from what I can understand and what I've seen, is in very great need of repair. I was wondering what your feelings are on how to deal with this problem—I think it's growing daily—and how exactly we should deal with this.

Mr Frank Giannone: Definitely you've got a problem out there with aging stock and repair with respect to that stock. You've also got a problem with housing and how it was designed, how it fits into communities or doesn't fit into communities, how well it meets today's needs for the current tenants.

I think a planned approach has to be carried out, which the tenants have to be involved in. I think we need to know from them what they need from us in terms of the repairs. I see my role on the board as some form of assistance in recognizing the costs that are involved and the procedures to go through in making those changes.

Mr Waters: Okay, I appreciate it. There are a couple of things when I looked through the thing that was prepared for us. I understand you were involved with immigrant construction workers in dealing with a problem that the Portuguese community was faced with. As much as I support you in all of that, I also have another question, and that is, bringing young people in, because I see that you're bringing in skilled trades. One of the things that I've always been very much a supporter of is that I think we have to start training our own young people for these skills. I know it has nothing to do with this, but I was wondering about your comments on that.

Mr Giannone: I do have views on that. As a resident of the Toronto area—I live in Mississauga; therefore, I live in a community where the majority of construction is governed by unionized trades. We in the Toronto area have historically built our housing, built our commercial buildings, through the immigrant worker. Again, this is strictly my opinion. That's for a specific reason. It's very, very difficult in this area to encourage our young people to get involved in the construction trades. They're not looked upon by second-generation immigrants even as trades that are desirable to be in.

During any construction boom, we see that our workers don't come from the local areas. They either come from other parts of Canada or they come from overseas to replace the ones that we're losing over time. My history, background, isn't as far back as a lot of other people go, but I'm told that as far back as the 1920s there has always been an immigrant labour force.

Mr Waters: Yes, and I think it's high time that we started looking at people across the sea and how they work and train their people, and I think we should be ourselves.

Might I ask you why you are interested in serving on the board in particular?

Mr Giannone: The company I work with and my personal views are that the housing industry shouldn't necessarily only be involved in home ownership but that the housing industry should be involved in the full range of

housing, whether it be home ownership, non-profits, co-operatives, or public housing.

I've always had an interest in the type of housing, the form of housing, that is produced from all levels. Our company has been involved from public housing, social housing, all the way up through to the most expensive housing that's around. It's something I feel I've got a good grip on, and through my home builder ties I've been able to develop it even more.

Mr Waters: I have a number of people on our side who want to question, so I'm going to have to share some time here.

The Chair: Ms Carter and then Mr Frankford.

Ms Carter: I also am glad to see that you're a builder, and I'm particularly delighted that it was your firm that built the advanced house, the energy-efficient demonstration. How do you feel we're doing in regard to getting our publicly owned houses to be energy-efficient and environmentally advanced?

Mr Giannone: I can't comment on the existing stock, because I don't have any experience with the existing stock of OHC, but the new social housing that is being produced is what I would consider to be at the front end of the technology.

Ms Carter: You have about 600 units under construction by your own company, so could you tell us something about what advantages they might be offering in that respect?

Mr Giannone: Not only has the code changed considerably in the last couple of years, bringing the standard house closer to what an R-2000 house is, but the requirements of the Ministry of Housing with respect to any new housing projects far supersede what the minimum requirements are of the code.

You're finding the units being designed tighter, you're finding the air-handling requirements in the units to be superior to what they were in the past and what they are in standard-code buildings. The inspection procedures are also more stringent.

Ms Carter: As a director of the Ontario Housing Corp, is this a concern that you will be advancing?

Mr Giannone: In any renovations or any repairs of existing stock, I would expect the corporation to look at the cost benefits and the environmental benefits of incorporating some of those aspects into the design.

1440

Ms Carter: I understand that baseboard electric heating is now out.

Mr Giannone: Baseboard electric heating is not a very desirable form of heating.

Ms Carter: Are you installing gas furnaces, and if so, are they highly efficient?

Mr Giannone: Every new social housing project is required to be heated by gas-fired units.

Ms Carter: Okay; thank you.

Mr Frankford: You mentioned how Ontario Housing projects fit into the communities, and this is a considerable

concern in my area of Scarborough East. Could you share any thoughts you have around that, I guess both from the perspective of the residents and of the surrounding community?

Mr Giannone: First of all, in design form, our firm—again, when I refer to “our firm,” I also speak about myself personally—strongly believes that any social housing project should be designed to be inconspicuous within the community that it's in. Too many times we see architects get carried away and not look at the surrounding environment, hoping to make their own statement with respect to the form of housing. What you end up with is, “We know what that project down there is,” whereas our company approaches it that we don't want the surrounding community to necessarily know that it's different than the other.

I was through one of our projects, actually, a couple of days ago that was built in 1982. The people who end up living in it also have a different atmosphere in terms of the project they've got. They're satisfied with what they've got. They don't see the difference between themselves and the people who surround them, as well.

Mr Frankford: When you're appointed, do you see anything that you can do with the old, existing Ontario Housing buildings?

Mr Giannone: It's my understanding that OHC has recognized that the design, both of the micro environment and the macro environment, of these projects has not been suitable for the current tenants' needs, and therefore it's my understanding that it intends doing something about that and I hope to play a role in that.

Mr Frankford: Do you know what Pruitt-Igoe is?

Mr Giannone: No, I don't.

Mr Frankford: Okay; it was a notorious public housing project in St Louis that ended up by being blown up.

Mr Giannone: No, I don't think we're looking at anything like that.

Mr Grandmaitre: At the present time, we're going through a very serious recession and I think the construction industry is suffering for it. Just in the Metro area, 79,000 construction workers are out of work.

I've noticed in the last four or five years, maybe six years, the government has had a terrible time attracting developers to build non-profit or co-op or rental units for a number of reasons. Some developers were against rent controls in Ontario. For a number of reasons, developers have simply shied away from building residential or rental units.

With your background, you must be familiar with the rent supplement program, I'm sure. I think this is a great program. Not only the present government, but the former government, which I was a member of, didn't promote this program enough. Instead of going after private developers that don't want to build rental units, I think we should have expanded the rent supplement program so that the government could rent 50 units here, 100 units there and so on and so forth. If developers are not interested in building rental units, then let's rent elsewhere. We would have a better mix of people instead of having 150 non-profit units. A lot of people are concerned about ghettos and so

on and so forth. What are your thoughts on the rent supplement program?

Mr Giannone: If I may, first of all, current non-profit projects are already encouraging a mix of incomes. You're getting the people who need the subsidies and you're getting people who are on the market side of the rental scale, so you're getting that mix in the projects that are being developed today. Rent supplements would encourage a continuation of that mix. Although I'm aware of the program, I'm not fully conversant on it, but I do see that as an alternative, in my limited understanding of the rent supplement program.

As well, if I may comment on something else you said, developers and associations don't necessarily support and have not necessarily supported both this government's and the previous government's position with respect to the delivery of non-profit and cooperative housing. However, if I may say so myself, if it wasn't for the programs that have been in place for the last couple of years, there would be a lot more people out on the street unemployed today.

Developers who do mix the form of housing they deliver have been able to deliver non-profit housing and have been doing it quite willingly and have been keeping people employed. Our company has not laid anybody off over this recession period because of our ability to do both market housing and non-profit housing.

I think the delivery of non-profit housing over the last couple of years has played a major role in allowing the construction industry to survive and to keep good-quality, skilled people working. At the same time, I'm not shutting the door to expanding the rent supplement program.

Mr Grandmaître: Talking about good skilled of the construction workers, we're losing a good number of our skilled workers. They've lost confidence, I suppose, in the province, and they're moving elsewhere. I'm sure you must be familiar with the Ontario Labour Relations Act. Do you think this is a good time to bring in this type of legislation?

[Laughter]

Mr Grandmaître: Is that your answer?

Mr Giannone: I've got some concerns about anything that has a tendency to concern business people investing money in the province. At the same time, I'm not completely conversant on it. I read more about it in the papers than follow what is actually going on and what the recommendations are.

Mr Grandmaître: Politicians, too, read the newspapers. That's the only access we have.

Mr Giannone: What the papers have been saying hasn't been good, but I would assume, as in all labour legislation—my father is one who has had an impact on the way I look at things. Without the labour legislation we've got now, we wouldn't necessarily have the quality of life we've got. He's been a supporter of unions. Our company has a union shop. It's just that going too far at any specific time can be worrisome. It's easier to do it when the market's booming along.

Mr Mancini: Mr Giannone, welcome to our committee.

Mr Giannone: Thank you very much.

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Mr Mancini: From previous work I've done on a past committee, it was brought to our attention, a number of years ago, that the Ontario Housing Corp is probably the largest public housing corporation in the world, one of the largest, maybe second only to the New York City Housing Authority. That makes the responsibilities of the corporation important in many respects, not only because of the tax dollars that are used to make the structures available to our citizens, but to the overall economic and social impact it has on all our communities across the province.

I firmly believe that one of the responsibilities of government is to try to assist people to have a stake in their community, wherever they live. To me, the most important way to do this is to try to allow home ownership. I was wondering if you see in the future any possibility for a discussion about allowing people who live in Ontario Housing Corp units the opportunity to own their units.

Mr Giannone: I am also a proponent of home ownership. It's my view or my opinion that public housing of all forms should be an interim form of housing and that we should hopefully be able to move people out of the poverty and out of the problems they've got now on to better things, although I don't think that's possible in all cases. That's my view of how I look at housing.

I think the kind of housing we're providing now actually encourages that, because we have a tendency for people to have a little bit of pride in ownership, even in the cooperatives and non-profits that we see now, and that pride in ownership translates to pride in themselves and then hopefully that means they're going to have a better life and hopefully will be earning more money and move out of there.

Having said that, I'm aware of programs that have been put into place where public housing has been transferred to the residents. I think the first step is to give the residents, the tenants, some form of participation in the management of those. Once they've got that management in there, then the possibility does exist if we want to do that, but we can't lose sight of the fact that it doesn't matter how perfect we try to be, we're always going to have people who are going to need some form of subsidized housing. We've got to be prepared to provide that stock of housing.

Mr Mancini: I concur with your views entirely that it's the responsibility of government to ensure that subsidized housing is available when it's needed. I have no problem with that position. I just think we could be doing better for our citizens by having a debate.

I don't for a moment perceive that the debate will be short or in any way pleasing to all people, but I firmly believe that there are a substantial number of people who live in the housing corporation units who, if given the appropriate opportunity and if properly prepared, would probably like this opportunity. They would like to be like their neighbours a few blocks away and have a stake in their community and their province through ownership. I think a lot of the money we're spending at the present

time—while our heart is in the right place, economically we're not doing the justice we can be doing for our citizens.

I would hope that if you feel that way to any degree, at some time during your tenure you might want to engage this debate and maybe have one or several pilot projects to ensure that it can work and that whichever ones are undertaken are given every opportunity to work.

I know of a particular situation in my constituency where a private rental low-rise development over a beautiful piece of property was transferred from rental to individual ownership. Many of the same people who rented actually bought, because they were extremely affordable. They were made to be affordable. They were redone and many of the right tools—not all, but many of the right tools—were in place. To drive by that piece of property today, one sees a marked improvement not only in the neighbourhood, but I believe in the attitudes of some of the people I've spoken with.

The Chair: On that note we're going to have to conclude. I gave you an extra minute there, Mr Mancini, even though you're not wearing a tie. I hope you appreciate that. We'll move on to Mr McLean.

Mr Giannone: He looks like a builder.

Mr McLean: I was interested in your remark earlier on, Frank, with regard to all the units now, that the new housing projects have gas-fired furnaces. When did that take place? I thought there was electric heat in a lot of those units.

Mr Giannone: All new projects, I believe, as of about a year to a year and a half ago, were mandated to be gas-fired. Some old projects that had already been approved and into the process, I think, continued to go on with electric heating, but anything that was on the drawing board had to be changed to gas units.

Mr McLean: Did that directive come from the ministry?

Mr Giannone: Yes, it did.

Mr McLean: The Ministry of Housing?

Mr Giannone: I think a combination of the Ministry of Housing and the Ministry of Energy.

Mr McLean: Would the Ontario Housing Corp board of directors have any input into that?

Mr Giannone: I'm not aware if they did or didn't.

Mr McLean: Are you aware of the functions of the board?

Mr Giannone: I've very limited knowledge of the functions of the board. I'm aware of the functions of the board, again in a limited way, as it pertains to the units under its control, the 84,000 units and 16,000 rental supplement units.

Mr McLean: I've some interesting questions. Last night on TV, of course, they were talking about building plastic houses now.

Mr Giannone: Yes.

Mr McLean: I had a phone call this morning from an individual who wants to build houses out of steel, use the old cars and get the steel all redone and build homes out of that. Have you heard of that?

Mr Giannone: Actually, the steel houses or the plastic houses?

Mr McLean: Either one of them.

Mr Giannone: The steel houses have been proposed for many years. I can recall as a child following my father around to a little house that was being done out of steel, I guess in the late 1970s. The problem the steel houses always had has been one of cost, number one, and number two, flexibility. It's a lot easier to work on low-rise applications. It's much easier to work with lumber, just in terms of how lumber fits in, and how easy it is to cut a piece of lumber versus trying to work with steel. For high-rise, I don't think it fits in because of cost.

Mr McLean: What about plastic?

Mr Giannone: Plastic houses: That plastic house was designed specifically for the export market. I don't think it's a house that's desirable in the home ownership realm here in the Toronto area, because the standards of the Ministry of Housing with respect to the quality of homes are higher actually than the building code. I think it would be difficult, from a building code point of view and from a community point of view, to try and fit those units into a community here in Ontario.

Mr McLean: I'd like to move on to the Ontario new home warranty program. You'd be involved in that as a builder. Do you find it's working?

Mr Giannone: Yes, I do find it's working. I find it, especially in the last few years, to be very proactive in the way it's approaching things. It's being more diligent with respect to the builders that should or should not be in the program. It's creating a more difficult environment for what I consider to be my poor competitors to get into the market to compete with me. At the same time, I think it's representing the home owner, and again it's taken a proactive approach to representing the home owner.

Mr McLean: I've had some problems with it in the area I represent whereby the home owner—it could be the second owner within six months—is just not getting any satisfaction from it at all. I just don't know what to do for the individuals, two of them that I know of. Would it be through the ministry? The builder says it's not his fault any more that the basement is cracked.

Mr Giannone: Even if it's a second, third or fourth owner, they're warranted under the life of the warranty. It doesn't matter how many owners it's gone through. There should be no reason why that home owner should have a problem. If you want my advice on what he should be doing, I can give that to you afterwards, unless you want it now.

Mr McLean: You might as well give it to us all, so we can all tell them.

Mr Giannone: It's just a process of being very persistent. The warranty program cannot deny any home owner the opportunity to have a conciliation, and once a conciliation has been done, if the warranty program rules against the home owner, the home owner has another avenue, and that's the appeals tribunal. That's a very knowledgeable group of people. I very rarely have seen and heard of situations where, when a home owner is justified, he doesn't

get his way. In fact, I find that if it's marginal, the warranty program leans more towards the home owner than it does towards the builder, and as a builder, I approach it also in that way, that if it's a marginal item, I tend to—

Mr McLean: Thank you. We only have 10 minutes, so I'll give my colleague a couple of questions.

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Mr Carr: I just had a quick one relating to the building of non-profit housing. As you know, if you take the number of units that have been built and the amount we've spent on a per-unit basis, building non-profit housing has been very expensive on a per-unit basis, anywhere from \$1,600 to \$2,000. And I think you're right: Without them, a lot of people like yourself would have been out of business. It's the only building going on now.

The problem is that there are tax dollars being spent and the Ministry of Housing, through a lot of these applications, has been rubber-stamping them. Supposedly they are to look at them thoroughly and say, "Yes, the developer took the amount, the consultant took the right amount, the architect—" How do you explain the fact that when you look at housing in Ontario, the number of units divided by what we spent, the cost per unit is very high?

Mr Giannone: There's a debate going on whether or not housing should be delivered more on a community-driven basis or whether they should be encouraging developers such as myself to deliver turnkey projects. My experience, both as a turnkey developer and a general contractor bidding on the community-driven projects, is that there are some people and some groups and some architects who design a very good-looking product that is very cost-efficient and there are others who get absolutely carried away.

Therefore, when you tell me that there are projects that make sense and others that don't make sense, I can tell you of many projects that are extremely cost-efficient, especially in today's environment. But I can also point to projects that should have had a little bit more care, and I think that's a fault of the system that was set up where—and I go back. It wasn't set up last year and it wasn't set up in the years before that. It's something that just evolved both provincially and federally where we allow some people—and I don't want to point my finger at architects or groups or whatever—to get carried away with what they're designing. It has an extreme impact on cost in those cases.

Mr Carr: Because I assume you've put together some good ones and so on.

Mr Giannone: I haven't put together any bad ones.

Mr Carr: But looking from the broader sense, if you look at the total, we've done a very poor job and it's been taxpayers' money.

Mr Giannone: I disagree with you.

Mr Carr: If you take a look right now at what we've spent on non-profit housing divided by the number of units, it is much higher than what would happen if the public sector was doing it. Some of them might be doing a good job, but the fact is that \$1,600 to \$2,000, which are some of the figures, is very high.

I wanted to jump on to one other thing, because we're running out of time. Projects like Ataratiri—we will spend probably close to \$1 billion with that one. That's not \$1 million, it's \$1 billion. We won't have had one new rental unit. What do you say for experiences like that, where literally money has been wasted, when we have tried to put non-profit megaprojects together and we end up basically wasting the public's money?

Mr Giannone: It may sound a little rash in the way I approach it. My business, the construction business, is very cyclical. When we reach or come close to that peak, it's my belief that the government should pull itself completely away from competing with the market side of it. It means that we might not be delivering housing for two or three years, but on the other hand the way I look at it is, in times of recession like what we've got now, the money we saved would deliver twice as many units. Let's overbuild when we've got situations like this. Again, it's a bit rash in that we might not be delivering the housing in those two or three years, but I can ask you to look back and I guarantee you that we didn't deliver much housing then anyway.

Mr Carr: One last question.

The Chair: No, I'm sorry. We're over now.

Mr Carr: No last question. Thanks anyway.

The Chair: Mr Giannone, we appreciate your appearance here today and wish you well.

Mr Giannone: Thank you very much.

The Chair: The final matter on the agenda today is the concurrence. We've heard from five intended appointees today. Do we have a motion to concur with all five? Want to do it on an individual basis? Do we have a motion for Ms Frazee?

Mr Wiseman moves that we concur with the appointment of Catherine Frazee as full-time vice-chair of the Workers' Compensation Appeals Tribunal. Any discussion on that motion? All in favour?

Motion agreed to.

The Chair: The next is Robert Owen. He is the intended appointee as vice-chair of the OMB.

Do we have a motion to concur with Mr Owen's appointment? Moved by Mr Waters. Any discussion?

Mr Wiseman: I'd like to make a couple of comments. It springs from the information that they gave us this morning. There are about three or four areas of concern that I have and that stem from one of the questions that Mr McLean raised and from some of the experiences that I've had.

I think there's a philosophy at the Ontario Municipal Board—

Mr McLean: Pardon me, the question I raised to Mr Owen?

Mr Wiseman: It was the question with regard to having expertise. People that are—you said, I believe, that—

Mr McLean: I wasn't here when he was interviewed, sir.

Mr Wiseman: Oh, then it must have been when the next one did it. But I'll just make comments. But still it raises the issue about having to have experts, having to

have lawyers, having to go out and hire planners, having to go out and find people who are expert in the field and paying them and coming before the board.

I agree with Mr McLean when he implies the notion that that is an alteration of what the Ontario Municipal Board is supposed to be. I think it's supposed to be a board where the laymen can come in and put forward their concerns and put forward their issues and rely on the expertise and the precedents and the foundation of the members of those boards, and to make hearings and to have the decisions that they're going to render on all of their experiences and not just on the evidence that is being given by laypeople who come before them, whether they are expert in the field or whether there may be holes in their argument. I'm very concerned that the members of the board would use as an argument that because the person who came before them was not an expert, they cannot make the right decision, even if they know that the decision they're making is the wrong one. That may sound a little complex but that was implied by some of their comments.

I also have a little bit of difficulty in terms of them saying that the guidelines and section 3 of the Planning Act and the issues that are raised in section 3 of the Planning Act are only meant as guidelines. I think they're there to be more than just guidelines to be ignored by members of the board, and there are examples of where the board has simply said, "It's a guideline and we're not going to follow it," and I have some difficulty with them saying that.

The official plans: I had some real difficulty with their responses on the official plans.

Mr Grandmaitre: Mr Chair—can I interrupt you, Jim, for a minute? I think we're discussing the appointment of Mr Owen and not what the responsibilities are—

Mr Wiseman: I'm discussing his responses to the questions—

Mr Grandmaitre: —or the mandate of the OMB.

Mr Wiseman: No, I am discussing his responses to the questions and—

The Chair: I think Mr Wiseman has been on solid ground so far. I'll allow him to go ahead.

Mr Wiseman: I'm almost finished anyway. I think it's incumbent on the members of the Ontario Municipal Board to be very careful about what they do with official plans. As I understand official plans, they take a long time to develop and they should take into consideration social planning, economic planning and environmental planning and create an equilibrium within a community that is supposed to function. To change an official plan as often as the municipal board is allowing, and to use the excuse that it gave, is not satisfactory. With official plans and the development of a community you have to take much more care and take it much more—I was going to use the word "seriously" but I'm not sure that that's the word I want to use—but it has to be a greater consideration than the Ontario Municipal Board is giving.

The excuse, the argument that they use when they're saying that, "People coming before us making deputations were not experts; they didn't have the people backing them up," I find to have been a change from what the mandate

of the municipal board was originally intended to do. They have the right to say no under the guidelines. They have the right to refuse subdivision sprawl on food lands, under the Food Land Guidelines. They have the right to say no to sprawl on the Oak Ridges moraine and they have the right to say no to the destruction of wetlands under section 3 of the Planning Act.

To say that you're going to allow that kind of sprawl and that kind of degradation of the environment simply because the people before you are not expert in that area, I think has changed the mandate of the board and has altered it in such a way that the average person can no longer come before the board and be able to give a deputation and expect the experience and the precedents that have been set and the legislation to be applied. I think that's very serious.

I think I've made my point but I would like to say in closing that the sooner this committee gets back to the Ontario Municipal Board review the better I'll like it.

The Chair: Any further discussion?

Mr Grandmaitre: I can understand Mr Wiseman's feelings but I think you have a golden opportunity to sit down with the Minister of Municipal Affairs, who is responsible for the OMB, and change its mandate. If you don't like the mandate of the OMB you have access to your minister, the minister responsible; have him change the mandate. I wish you good luck.

Mr White: I just wanted to state that I generally concur with Mr Wiseman, a rare phenomenon; however, I won't go into length with my concerns. In regard to Mr Grandmaitre's advice, I'm sure that we'll attempt to follow it. The issue of the mandate of the OMB is an issue for dispute as well, Mr Grandmaitre. Thank you, Mr Chair.

The Chair: No further discussion. Call the motion regarding Mr Robert Owen as the vice-chair of the OMB. All in favour? Opposed?

Motion agreed to.

The Chair: Next motion required is for Mary Ellen Johnson, again as an intended appointee as vice-chair of the OMB. A motion is moved by Mr Waters that we concur. Any discussion? All in favour? Opposed?

Motion agreed to.

The Chair: Next motion required is to concur with the appointment of Christie Jefferson as a chair and member of the Health Professions Regulatory Advisory Council. It is moved by Mr Wiseman that the committee concur. Any discussion? All in favour? Opposed?

Motion agreed to.

The Chair: Finally, intended appointment of Frank Giannone as a member of the Ontario Housing Corp board of directors. It is moved by Mr Mancini—this is a precedent—that the committee concur. Any discussion? All in favour? Opposed?

Motion agreed to.

The Chair: That's it. Committee adjourned until 10 am tomorrow morning.

The committee adjourned at 1515.

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Legislative Assembly of Ontario

Second session, 35th Parliament

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Appointments review

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Thursday 20 August 1992

The committee met at 1002 in committee room 1.

APPOINTMENTS REVIEW

Consideration of intended appointments.

HOWARD MORTON

The Vice-Chair (Mr Allan K. McLean): We're dealing this morning with the intended appointment of Mr Howard Morton to the special investigations unit. Mr Morton, would you come forward and take your place at one of the microphones. You've been asked to appear by the official opposition, so I will ask Mr Grandmaître to proceed.

Mr Bernard Grandmaître (Ottawa East): Mr Morton, the SIU has come under a lot of criticism in the last 12 months. What makes you the ideal candidate to become the director of this agency?

Mr Howard Morton: I come from a ministry, the criminal law division, which has a long tradition of being both objective and fair, albeit in the area of prosecutions as opposed to investigations. However, many of the cases I have dealt with, particularly those involving organized crime, corruption and white collar crime, involved working very closely with the police from the outset of an investigation, more akin to the model in the United States under the district attorney system.

Point number one, I would say that I'm qualified, should I be approved for this position, because I come from a tradition which values objectivity in terms of determining prosecutions—if you're a prosecutor, the laying of charges—and fairness, fairness to the accused and to the community in terms of prosecution; similarly, fairness to the potential accused and to the community in terms of the laying of charges.

The second tradition that I've benefited from as a member of the criminal law division is a tradition of aggressive public prosecutions. I've always believed that although a crown prosecutor must be fair and objective, the public is entitled to aggressive prosecutions just as an accused is entitled to an aggressive defence.

Perhaps "aggressive" is not the most appropriate term. I was trying to think of one that is perhaps more appropriate. Let's put it this way: In terms of going all out within the boundaries as a crown attorney, being fair, I always believed it was my responsibility to go all out to present the evidence on behalf of the public to obtain a conviction of an accused.

If I were approved for this position, I believe I would carry the same degree of aggressiveness, if you like, or going all out to ensure that investigations into any allegations of wrongdoing on the part of the police would be all-out, extremely thorough investigations while at the same time being objective and fair investigations.

The second point I'd like to make in terms of my suitability is that I believe I've had the benefit of long-standing experience in the area of police powers. Perhaps I could just give you one example.

Section 25 of the Criminal Code currently provides a defence for the use of deadly force on the part of police officers. It currently reads, and has read since 1955, that police officers could shoot somebody in the back if they were escaping from, say, a very minor theft offence.

I've been involved for a large number of years in the police powers project, which is a federal-provincial task force, if you like. One of our objectives was to amend section 25 so that the section would focus on public safety, the need to protect the officer or the need to protect a member of the public as opposed to focusing on the fact of arrest. In other words, some people are simply going to have to be permitted to escape rather than shoot them in the back.

Mr Grandmaître: Mr Morton, can I interrupt you? We only have 10 minutes.

Mr Morton: I'm sorry, I didn't realize that.

Mr Grandmaître: Mr Morton, a secret protocol was signed by your predecessor with the police forces giving police investigating a crime precedence over the special investigations unit. What are your comments on this secret protocol that was signed and then abandoned some time ago, some months ago? What are your thoughts on this secret protocol?

Mr Morton: The fact of its secrecy or the contents of the protocol or both?

Mr Grandmaître: The fact that it was signed and the fact that they had some kind of agreement.

Mr Morton: There has to be some understanding as to the role of the SIU.

Mr Grandmaître: Why was it secret, though?

Mr Morton: If you'd like me to focus on the secrecy, I don't know why it was secret. My personal preference in terms of most, if not all, government activity or government agency activity, in terms of guidelines or protocols, is that they should be made available to the public and they should in fact be public documents.

Mr Grandmaître: My next question: Stephen Lewis was very critical of the SIU. I can quote you from his report, but I'm sure that you're very familiar with Mr Lewis's report. What are your thoughts on his critical comments about the SIU?

Mr Morton: I don't have the benefit of the insight that Mr Lewis had into the workings of the SIU when he examined it, so I'm really not able to comment on his views with respect to that. I'd rather speak more in terms of what the SIU should be rather than in terms of what it has been.

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Mr Grandmaître: On the use of deadly force by police officers, let's talk about the Metro police force. Let's get away from all the others. How would you describe our Metro police officers?

Mr Morton: Generally as a force?

Mr Grandmaître: Yes.

Mr Morton: I think they're an excellent police force, perhaps unrivalled on this continent in terms of their accountability, their efficiency and their ability to protect the public.

Mr Grandmaître: One thing is the composition of the SIU. Is it your intention to increase the number of investigators?

Mr Morton: I guess, depending on the budget that's given to the SIU. It seems that given their current case load, there is not a sufficient number of investigators to fully investigate the allegations that are brought to their attention. It may be a little premature for me to say that it should be increased. If approved, I would like an opportunity to assess it from the inside as opposed to looking at it simply from the outside as I have been.

The Vice-Chair: One minute left.

Mr Grandmaître: Again on the use of deadly force and your investigations in the past 12 or 24 months, your predecessor was criticized, even asked to resign, because of his lackadaisical approach to his responsibilities. You were talking about your aggressiveness and how you will deal with the future investigations. You describe yourself as "that aggressive prosecutor" and that you will be more aggressive.

Mr Morton: Again, "aggressiveness" is a difficult word to use when you're talking about being crown counsel, but I guess most defence counsel describe me as being perhaps sometimes overly aggressive. But my view clearly, as a crown prosecutor, and more particularly in this role, if approved, is that the public is entitled to competent, aggressive investigators or prosecutors. In the words of Mr Justice Haines, you don't equate a fair prosecutor, or in this case a fair director, with a weak one. It is possible to be fair, objective and aggressive at the same time.

Mr Gary Carr (Oakville South): Thank you for coming. I agree with you that we have an excellent police force. The polls are out there. From the ones I've looked at, most of the public believe we have an excellent police force in the province of Ontario in general. I'm talking about all the local forces and the provincial police.

Speaking to average citizens, they are fearful of what's happening out there. You can't turn on the TV locally, and now even in rural areas, without seeing a shooting, a murder, crimes dramatically up, where people don't feel safe. Yet we seem to be focusing a lot of attention on the police activity. Do you think we are spending too much time on monitoring what the police are doing and not enough time making sure our streets are safe?

Mr Morton: I don't feel we're spending too much time in monitoring the police. I do feel we should be spending more time on crime in general. By crime in gen-

eral, I don't simply mean going out and investigating criminal offences. Sooner or later we are going to have to try to examine the causes of crime. In the United States, Ramsey Clark wrote a book in the 1960s called *Crime in America* where he attempted to link the causes of crime with literacy, poverty, socioeconomic causes and so on. Sooner or later we are going to have to do that in this country.

I've gone around your question in a way, but I think we have to spend a large amount of time in policing the police and ensuring that they are accountable. I think we should be spending more time, subject to resources, of course, in protecting the public, and the long-range protection of the public is to get at the causes of crime and hopefully to reduce crime.

The only point I would add is that the public perception of rising crime may not accurately reflect the reality. There is a federal-provincial study that has just started. I was working on it, and if approved I obviously won't be, but there seems to be a real discrepancy between actual crime rates—some of which are rising, unquestionably, certain crimes of violence and so on, but the public perception which is obtained through the media may be far greater than the reality.

Mr Carr: I know in my area it has become a big focus, and of course I'm from Halton, where we've had the two murders of the two girls. We had an event called *Take Back the Night*, and 6,000 people came out in Oakville. I can't think of any other reason you could get that many people coming out. Historically in Oakville we always thought a lot of the rising crime was a Toronto problem that came first. Now, from the statistics I've seen, people are rating this as the number one issue, even ahead of taxes and everything else.

I see your role as very important, because, as you know, many groups have been critical of the police and their actions. If we get an investigation unit like yours, where the public has complete confidence and the police have complete confidence and all the numerous groups out there have confidence that you will do a great job, then I think we can alleviate a lot of the fears, if they know the investigation's been done properly and thoroughly and you're well respected. So you've got a very heavy responsibility.

Up to this point, do you think the investigation unit has done a good job, and where do you see the unit improving? I wonder if you could be specific. I know you don't like to criticize, but if you do have any criticisms, do you think they've done a good job, and, if not, what would you like to see done differently?

Mr Morton: I would prefer not to comment on their past performance, primarily because I viewed it from the outside. I have been involved in some policy work referable to what a future SIU should look like, but I do not have the knowledge of how good its investigations were. It's not a question of not wanting to be critical; it's simply a question of not having the knowledge to answer your question. I'd rather focus on where the SIU should go, if that would be okay, in reference to your question.

They obviously need the best investigators they can get. The act currently provides that you cannot be a member of a police force and serve on the SIU. So you've eliminated the possibility of seconding top-flight investigators having the opportunity of working for the SIU, thereby perhaps depriving the SIU of the best investigative minds available.

In allegations of criminality on the part of the police, because it is a police officer or police officers who are being investigated, you must have within the SIU the best investigative minds investigating those allegations, not only in terms of coming up with a charge but also in terms of doing the most thorough investigation possible, which will lead to a charge or will not lead to a charge. Quite frankly, those investigations cannot leave a single lead that is not followed. In my view, they would even rank ahead of organized crime investigations, in terms of the thoroughness that is required, in order to come up with a fair and objective assessment of whether there are reasonable grounds to lay a charge.

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Mr Carr: I agree with you on that. As I said earlier, I think we can alleviate a lot of the fears if you're able to establish the confidence which I don't think is there now. Like you, I don't know what's happened in the investigations, whether that's legitimate or not. The tough part—you're almost like a politician—is that you're going to have to overcome perceptions. You might develop the best unit but the public perception won't be there, and that's the difficult part.

On the issue of deadly force, as you know, there's much controversy. Some of the police chiefs right now have been critical of some of the changes and some have been for; the Halton regional chief is supporting some of the changes. So the members get an idea of your background, what is your feeling on the use of deadly force? Do you think it needs to be changed and, if so, if you had the decision how would you like to see it changed?

Mr Morton: As I said earlier, I've been working for a number of years on that very issue. My very strong belief is that the focus which triggers the use of deadly force should be restricted to situations where it is necessary, in the subjective belief of the officer, to protect herself or himself or another member of the public should that person escape.

If there is no danger to the public or to the police officer, then we're just going to have to let that person temporarily escape. Modern law enforcement detection techniques will catch that person sooner or later. If the person is dangerous or violent, then the officer may well have the belief that it's necessary to use deadly force to prevent the escape. But unless she or he is satisfied that there is that danger to the public, then the officer may simply have to let a few of the shoplifters or other offenders go. The current code would permit the use of deadly force for escaping for any offence.

Mr Carr: Would you see it protecting the public's or the police officer's own life, or would that also include the threat of injury? I'm thinking now of the recent case where

the chap who was shot had a baseball bat; some people say they shouldn't have shot and should have attempted to deal with it in another manner. With the use of deadly force, would that mean any time there's a threat of any injury to the public and to the police they could use deadly force, or only if it's a life-threatening situation, if you follow the difference?

Mr Morton: It certainly has to be more than just life. In the homicide report, which I wrote, we recommended that police officers be allowed to use deadly force if they have a belief, based on reasonable grounds, that either their life or a member of the public's life is endangered or is in danger of serious harm. We avoided the archaic word "grievous" bodily harm and used "serious" bodily harm. I would include serious bodily harm as being a criterion which would permit an officer to use deadly force, unless there was a less intrusive means of preventing the person from escaping, of course.

The Vice-Chair: Mr Carr, your last question.

Mr Carr: A quick question regarding the special investigations unit: Again, the perception is most important. You can do the greatest job, but if the public doesn't have confidence in you, I'm afraid we're still going to be facing some difficult situations. Do you have any thoughts on what you can do? Should the special investigations unit be doing some of the outreach to different communities, or do you think it should step back and just let its own particular efforts be judged? How do you see us improving that perception out there?

Mr Morton: If you view the SIU as a mini-police force with special responsibilities, my view is that any police force, any government organization has to involve itself with the community, has to receive advice, has to receive input and has to be in touch on a continual basis with the community it's serving. I don't know how any organization within the public service can operate without being in touch with the community. I would see an outreach type of program. I haven't thought it through, how it could best be done, but I think that's very important.

Mr Stephen Owens (Scarborough Centre): I'd like to make some comments on your statements as you went through your presentation. I certainly agree with you that the police force in Metro—the area I represent—is clearly second to none on this continent.

I also understood you to say, in terms of your aggressiveness, that you were aggressively fair and that in this particular position you would pursue the issues faced by the SIU with this level of aggressive fairness so that all facts and issues are considered before judgements or decisions to lay charges are made.

In terms of your comments with respect to the public's absolute right to monitor the police force, I can't agree with you more. I think we've seen the results of how some societies, some countries, have simply allowed their police forces to do what they feel is right and have abdicated their right to monitor the police forces. When I go home at night, take off my tie and become Steve Owens, private citizen, I still feel I have a right to question the activities of

the police force. As a taxpayer, I believe it's my right to ensure we are getting the highest level of efficacy possible.

My last comment before my question is that you're absolutely right once again in terms of your view that we have to start probing the aetiology of crime, that it's simply not enough to pour more and more money into police resources without actually taking a look at the recent crime increase. I represent a riding in Scarborough, and to those of us who read the newspapers, almost on a daily basis there's a report of another violent crime in Scarborough. My constituents are concerned about that. It's my view that we need to start taking a look at the root causes rather than the symptoms of the problem.

Finally, my question: Mr Carr raised an excellent point in terms of your visibility to the public and trying to engender the trust that is so needed so you can pursue any investigations you undertake with that aggressive fairness you stated in your answer to Mr Grandmaître's question. How would you go about bringing the SIU more into the public light? How would you encourage public involvement in decision-making around policies and processes that so directly affect us as private citizens, as well as officers on our police forces?

Mr Morton: I guess I'll fall back on the term that seems to be currently in use in terms of an outreach to the various community groups. For example, Clare Lewis of the Police Complaints Board I think has been very successful in involving the community in terms of advice, feedback and an understanding of the community needs in terms of policing.

I can't be much more specific than that. I'd like to be more specific but I would rather have an opportunity, should I be approved, to be in the position for a very short period of time in order to determine what would be the best mechanism to use to involve the community. But I certainly agree with you that I, too, when I go home at night and take off my tie—if I wore one that day—like to think that as a citizen I have a say in the body that we've created through our Legislature to enforce the laws that our Legislature has passed and are there to protect us. I feel as strongly as you do about that.

1030

Mr Daniel Waters (Muskoka-Georgian Bay): Several of the members have talked about deadly force and the changes and the concerns over it. I think if we go to change it, something has to be done about the training of our officers. I would like to have some of your feelings on what type of training, how often and I guess various aspects of what you feel the training should change, how it should change for police officers, if indeed we are going to restrict or change the way in which they deal with a fleeing person at this point in time.

Mr Morton: In terms of training, I've been involved at the Ontario Police College in a couple of its courses. My quick answer is that you should insist on the most intensive, best training that you can afford. There's simply no limit to the amount of training that police officers require in order to perform their jobs satisfactorily to the public

and in a way that they find satisfying in the public service as public servants.

In terms of specific types of training, we have a police college and officers are required to go back every once in a while. As I say, I've been involved in a bit of that. But I think there's too much of a gap. There's a lot of training at the beginning, when an officer is a cadet, then there is a lot of training as an officer is being considered or would like to apply for promotion to become a sergeant or a corporal. My view is, you shouldn't gear training around promotions but rather have a scheduled, ongoing, consistent, thorough training and that it should not be totally given by police officers.

That's the case now. For example, as a crown counsel I designed one of the courses on informants there, but I think the more you can expose the police in their training, general training for the moment, to other disciplines, to sociological phenomena, the better your police force is going to be.

In terms of technical training, the use of deadly force and various holds, that training is improving and has been improving over the years. In Europe they're considering the use of things like capsicum—Cajun pepper, as it's called. There has to be a close look at that, because there's now some recent information that for people with certain allergies or for asthmatics it can be almost deadly.

But we have to continue to explore new ways, through training, of having police officers do their job effectively. We can't compromise protection of the public, but that is not to say that we have to continue to rely on traditional ways of policing. I think that sort of training must be upped, and as I say, the more money you can put into that, the better it would be.

Mr Waters: You actually led into what I wanted. My second question was, do you think we have been supplying our police forces and, indeed, officers with modern technology at a rapid enough pace that takes away from using the firearm, the old way of dealing with it? In other words, we as a society are saying, "We don't want you to use your firearm as often." Basically I guess we're asking them to almost do away with it, except in the extreme case. Are we supplying them with the modern technology at a rate which would allow for that or assist them to do their job?

Mr Morton: From an outsider's point of view, as I've been, I think in the last two or three years we have been. The courses at the police colleges and what used to be called firearms training, they had to go every second year and pass a test with firearms. That's slowly being supplemented with other sorts of training.

Again, I'm not a police officer, but from the crown's perspective, one of the areas that should be explored, in my view, is the area of persuasion, the area of dealing with an altercation, whether it be a domestic dispute or a Saturday night do on Yonge Street or any other sort of situation that might be resolved. It's sometimes referred to as psychological abatement of situations, but I don't want to use the term; I prefer to call it more persuasive. I think there's a lot of development being done in other countries that we could look at in terms of training our police officers to

resolve situations, take the steam out of them, without ever using any kind of force whatsoever.

The Vice-Chair: You've exhausted your time, but Mrs Jenny Carter had a question. I will allow that, if she'd like to ask it.

Ms Jenny Carter (Peterborough): Thank you. Mr Morton, it seems to me we've given you the compliment of asking your opinions rather than focusing on your qualifications, but you do have unique qualifications for this position, both knowledge of the kind of issues that might arise and of the institution itself. Would you like to tell us something about that?

Mr Morton: As I said earlier, I've had the benefit of being a crown attorney, a special prosecutor, if you like, in terms of organized crime and white-collar crime. Criminal law is a very narrow field, and I've been very fortunate in being able to move within that narrow field. I spent the last six years in the area of criminal law policy trying to reform criminal law. Lawyers are very hesitant. It's often said that the law is far too important to leave to lawyers, and to a certain extent that may be true, but I've had the benefit of being in the policy area, which is trying to drag our criminal law into the 20th century.

From the outset I've had a special interest in police powers because I see the investigation as being the key to any successful prosecution. If you don't have a good investigation, with advice from the crown, with the crown and the police working together—they may not always agree, and in the end it's the police officer's decision as to whether or not to lay a charge, but I've had the benefit of working very closely with police officers on several major and lengthy cases. I feel that this has given me an insight into the world of policing and investigation that's been very lucky in that way.

The Vice-Chair: Thank you very much, Mr Morton, for appearing before the committee this morning.

Mr Morton: Thank you.

The Vice-Chair: We've exhausted the time that's allowed for this interview. We wish you all the best.

Committee, William Waite is this afternoon. We tried to get him to come this morning but it's impossible, so the committee will adjourn until 2 o'clock this afternoon.

Mr Norman W. Sterling (Carleton): On a point of order, Mr Chairman: I have not sat on this committee before, and I'd like a point of clarification. We vote on the confirmation or rejection of the person this afternoon, is that correct?

The Vice-Chair: That's what our agenda reads.

Mr Sterling: In the history of the committee, approximately how many confirmations have we dealt with?

The Vice-Chair: I don't know. Our researcher should—

Mr David Pond: About 150 as of today, roughly speaking.

Mr Sterling: How many rejections have there been, of the 150, Mr Chairman?

Clerk of the Committee (Mr Douglas Arnott): The committee has never not concurred in an intended appointment.

Mr Sterling: They must be extremely good appointees.

Mr Jim Wiseman (Durham West): Oh, they are. They are excellent.

Mr Sterling: Is there any sense in having the vote this afternoon, Mr Chairman?

The Vice-Chair: That's the agenda for the committee.

Mr Sterling: Okay. I just wanted to get a feeling for what's happening here.

Mr Remo Mancini (Essex South): I have a separate point of order. I noted today that we had a photographer roaming the chamber. I don't think there's anything wrong with that, but when we have an outside person standing over the shoulders of a couple of members for the entire duration of a witness's appearance before the committee, it makes it absolutely impossible for members to pass private information to each other. I don't think it's appropriate. On a couple of occasions I wanted to ask questions and pass information to my colleagues. I felt I was unable to do so, and that hindered my participation with the witness that we had here this morning. I don't think that should be acceptable. It's fine if the gentleman or lady wants to come and take a few photographs and move around the room, but I think there should be a limit to that, Mr Chairman.

The Vice-Chair: You raise an excellent point, and perhaps it was my oversight. I should maybe have asked him to do his pictures and move to the back.

Mr Waters: What I'd like to say on that is I know that we've suffered through this—yourself, Mr Chair, and pretty well everyone who has been a permanent fixture on this committee. Maybe it is something that we should look at: just come in and take your occasional picture. But I agree that it does become somewhat difficult at times to talk or to pass notes back and forth with them, especially when they seem to lodge themselves in one spot.

The Vice-Chair: I will pass that on to the Chair and advise him of your concern.

Mr Wiseman: On the same point of order, the use of the flash is not necessary in this room. There is plenty of light with a high-speed film, and the flash can be both distracting to the committee member and to the person answering the question. So perhaps we could investigate that. I know with 400-speed film you could shoot—push it to 800. You don't need to have a flash any more.

The Vice-Chair: Well advised. The committee is adjourned until 2:00.

The committee recessed at 1042.

AFTERNOON SITTING

The committee resumed at 1402.

WILLIAM WAITE

The Vice-Chair: This afternoon's business is Mr William Waite, who is the intended appointee to the Ryerson Polytechnical Institute board of governors. Welcome to the committee. It's a half-hour review. Each party has 10 minutes to ask you questions. Short questions and short responses are the order of the day. Mr Carr.

Mr Carr: Welcome. I am interested in your background and your reasons for wanting to get involved in something along these lines. What spurred you to become involved?

Mr William Waite: I am concerned with the skills ability of our industry. I have been speaking out on apprenticeship training—you may have seen that on TV or in the newspapers—but I find I am not accessing enough change, let's say. This attracted the attention of Ryerson Polytechnical Institute. They have invited me, from industry, to come on the board with respect to my concern about skills in industry.

Mr Carr: Along those same lines, as you may be aware, there is some concern out there with the government's Ontario Training and Adjustment Board situation. Some colleges and universities are concerned, particularly some colleges, about what will be happening. Essentially what OTAB is saying is that the colleges won't be as involved as they are now. Do you agree with that? Maybe you could give us some idea of how you see the discussion paper on OTAB and what your feelings are on what the government's doing in that area.

Mr Waite: I'm very concerned with the environment surrounding OTAB right now. I believe we need this focus and I believe the colleges will be more involved than they have been up to now. It's a matter of focusing on the sharing of training between industry and the colleges. I do not see, let's say, a receding role of the colleges here but an expanded role. This is being reviewed in industry right now. In fact, I just came right now from a task force in this respect. I believe fully the colleges have to take more of a role. They need better communication with industry, though, to do this. This is part of what's driving me to examine this opportunity.

Mr Carr: I agree. I think we need more participation like that. We're facing some major challenges. I honestly believe that the standard of living of the next generation will be in direct proportion to the skills and training we give them through our colleges and universities. It's a big question and we're all debating right now what to do.

Maybe you could just give us some idea of what you would like to see happen as it relates to our colleges and universities in order that we are able to move ahead. Where would you like to see it go?

Mr Waite: My concern, basically where I'm coming from, is the role of Canada in free trade. As the head of a company, I have been trying to offset the recession here

with our operations in Canada with an expanded role on a free trade basis. We have taken on seven mandates already inside North America that have led, through excellence developed in our staff, to three world mandates. We have moved our blue-collar workers from 800 to 3,000.

If I project this kind of growth—and I just came back from Mexico yesterday on the free trade discussion down there with our staff—we have to attract more young people to skills training, and this is going to demand some changes.

One of them is recognition by universities and colleges of apprenticeship training so that apprenticeship training is not a dead end, as it is right now. It attracts dropouts. It attracts everything but motivated young people, and this is an issue I would want to try to influence, if I were on the board of governors speaking out about recognition of a revised apprenticeship training system here so that young people can make a decision to go into apprenticeship training and go on to university receiving accreditation.

Certainly in my role as head of a multinational operation in Canada, I have access to insight in Europe. For example, 65% of the engineers graduated in Germany have gone through apprenticeship training, hands-on training, which I would say gives them an altogether different approach in the decision-making in industry. They've done this because they receive credits for their apprenticeship training going on to university. That's what I feel has to happen, among other things, at the college and university level.

Mr Carr: I believe Norm has a question as well.

Mr Sterling: I'm glad to see you here and I'm glad to see that in spite of your numerous directorships and your very busy life, you're willing to give up some of your time to Ryerson. I want to tell you that as a member of this committee, I appreciate it. I guess as the only engineer in this Legislature myself—

Mr Carr: He always reminds us of that.

Mr Sterling: —I am very glad to see an engineer like yourself take a quasi-political role in terms of your involvement with the board.

My question to you is this: I think Ontarians and Canadians in general feel that they're not getting good value for their dollar in the education system. That's what I read in my constituency. I am concerned about the OTAB, as Mr Carr said as well. I don't think it's going to help get any better bang for the buck than we are with regard to our education system.

Would it not be better for us to give that money to the employers and say, "Look, you train the people. You know what jobs are there. You train the people for what they should know in order to compete in the next economy that's going to take place," and we would allow private industry to give proper accreditation to people who had passed various levels of education within systems which would spring out of that kind of funding. Do you not think we would get better value for our money, rather than setting up a large bureaucracy to try to divide money among varying

institutions and, in my view, waste a lot of the money in making that decision?

1410

Mr Waite: I feel like I'm walking into a wasps' nest, but anyway, I believe industry knows what qualities, education and experience we need with our employees. But if an employee comes into a system of training that's, let's say, just set up by our company, or Northern Telecom or IBM, he will feel that he is confined and will feel captive of that particular company. They need to have the mobility and recognition on a broad level, not only across the Ontario industry but across the Canadian industry.

Industry alone cannot do that, I'm sorry to say. OTAB might bring some focus. I'm not so sure what OTAB's going to look like when it's finished, but we're searching desperately for somebody who's going to bring this focus across Canada. We cannot do it by industry alone. I just came from a group of industrialists and unions. "No, we need the government and we need education."

The Vice-Chair: You have 30 seconds left.

Mr Sterling: I don't have any further questions.

Mr Robert Frankford (Scarborough East): Do you have strong connections with Germany?

Mr Waite: No.

Mr Frankford: Ryerson is a very distinctive institution of a technical nature, and I believe there are many more institutions of that nature in Europe and in Germany. I wonder if you'd like to comment on what direction you would like to see Ryerson going in and if there are European models you would like to follow.

Mr Waite: No, I'm not looking at this opportunity to change the program at Ryerson. I feel Ryerson has been underestimated in the quality of its graduates and I'm very pleased with some of the issues that are being decided right now with recognition of its degrees. I believe they're on the right track and I believe that as an industrialist in the public arena I can bring more accreditation to the quality of their graduates. I don't think their courses need changing, no.

Mr Frankford: Do you think the nature of the status needs to change? I guess it is changing.

Mr Waite: I believe that Ryerson offers a very practical insight into the technologies in its faculties. I believe they have a definite role, and this has to be recognized more. I like them as a polytechnical institute. It's something different and they're just not receiving the proper recognition out there for the practical training they're offering their graduates. It's interesting to industry to have access to this and not just to an engineer—they have other faculties than engineering—who has been theoretically trained. I feel they're offering a very good compromise that fits into the Canadian scene.

Mr Owens: Just in terms of your comments with respect to its proper recognition, Terry Grier from Ryerson has written to Nancy Pearson from the appointments office and has indicated that in fact the engineering courses have been now accredited by the Canadian Engineering Accreditation Board and that is the first time that's happened. I'm

wondering if you can explain to myself and the committee the significance of that accreditation, and also the importance of having a person with your background on the board.

Mr Waite: The importance of accreditation is that it will elevate the respect for a Ryerson graduate. It's bringing him into being a recognized engineer. That's very important. In my role, if I go on this board—that's already been done. I can't assist that any further. I can only speak out about how I feel about the quality of Ryerson and upgrade it from personal experience.

Mr Owens: Sure. I felt it was important for the committee members to know that this has in fact happened.

My second question is a macroquestion. Some of the criticism that has been levelled at the college system is that we train a bunch of people for jobs, but by the time the training is completed, the jobs are no longer there. My question is, how is it going to fit within your mandate to track the kinds of training and education that we need, both from your industrial perspective and with your Ryerson hat?

Mr Waite: On the board of governors I intend to stress the aspects of education that industry needs. That's all I can do. It's a simple answer to a very complicated question. I believe business or industry needs to be on boards in the educational field.

Mr Owens: Great.

Mr Wiseman: I'm going to preface this by saying that I spent 15 years teaching in high school, economics history, and one of the aspects of the courses that I tried to teach was the history of technological development: who did it and what kinds of skills they brought to the development of new technologies and new ideas.

Invariably, what I found is a consistent theme throughout. The people who did these new technologies in the 17th, 18th and early 19th centuries weren't institutionally educated people. They were also people who had hands-on experience on the shop floor and thought of a better way of doing something. Our society seems to be so hung up on giving a piece of paper for everything that I believe this gets in the way of some of the real innovative skills that are being developed by people who don't necessarily have that piece of paper.

How do we attract the kids away from being stockbrokers, doctors and lawyers, to attract them to doing what you and I both seem to agree has to be done? We need kids who know advanced trigonometry to operate the new CAD-CAM computers. I know this because one of my small businessmen who has a tool and die shop said, "I need somebody with advanced trig to be an apprentice." They aren't there.

Mr Waite: I would love to see a billboard that reflects what I saw when I was growing up in Brantford during the war years. I saw billboards that said: "Join the forces. Save your country." I believe this billboard today should be reading: "Become skilled. Save your country."

The parents, if you're talking to them today, want their kids to be doctors, lawyers or engineers. If you talk to the kids—and I've spent time out in high schools and in public

schools talking to kids—they don't realize what earning power skills have today. They don't realize that we're paying a tool and die maker well above \$50,000 a year today.

The teachers have missed the opportunity of realistic input into the young minds of our children. I feel that to turn this around a number of things have to happen. I addressed one, which was mobility. That means standard recognition or standard training across Canada. It has to be integrated into the educational system. That's a big job because you have skills and education at different parts of government.

1420

I believe the unions have to also give security to apprentices during their training time. I'm asking for three years past that because so many apprenticeships have been broken up in the recession or through seniority layoffs.

I believe we need to get our newspapers, the teachers, the unions and our parents talking more positively about skills and the future of Canada. We have to get these changes made to apprenticeship training, embedded in the educational system, giving the recognition there. The public has to turn around and realize that our chance with free trade—otherwise we should never have gone into it—is with skills.

Mr Wiseman: I agree with you. One of the things I always tried to do was to give kids an option. Not everybody is going to be a securities dealer; not everybody is going to be a lawyer; not everybody is going to be a doctor.

We've had apprenticeship people from the Ministry of Industry, Trade and Technology go into the schools to talk to the kids about what's available. We've talked about all the money they can make and what the skills are. The bottom line is that they're so embedded with the ideas and the notions of what it is they want to do—I was a secondary school teacher; I didn't have them any younger—that they don't listen. I wish you luck. I don't know how you get through to them that there are a lot of good things they can do other than work in a stock exchange.

Mr Mancini: Mr Waite, welcome to the committee. I've so far found your comments to be quite exciting. I think it's an achievement that we found a candidate like yourself to want to serve on the board of Ryerson. I was looking over this long list of companies, institutions and associations that you're associated with. Do you have the time for this job?

Mr Waite: I believe it's so important that I have to make time.

Mr Mancini: I think you've alluded to this but you've probably been too polite to say it. What are your feelings in regard to some community colleges which want to pass themselves off as quasi-universities or want to try to become universities? I don't in any way at this point in time ask that question based on what Ryerson wishes to do but upon what I've seen a number of community colleges wishing and wanting to do, and acting in a certain manner as to almost try to pass themselves off as quasi-universities. What's your opinion on that?

Mr Waite: I believe there's a role for colleges and I think they should stick to their knitting. I'm not referring to Ryerson here either.

Mr Mancini: Neither am I.

Mr Waite: I think they're in a classification by themselves. If we talk about the colleges that are using the name "college," I believe they have a role. I believe they should stick to knitting and I believe when we get through with this task force on apprenticeship, we'll give them a higher profile and they'll appreciate their role better. They'll feel they're doing more. We don't want them as universities. We need them where they are.

Mr Mancini: Do you feel that funding assistance for students who want to attend a community college is important?

Mr Waite: That's a difficult question to answer. I went through my education earning my own money—it can be done—and gained a lot of practical experience doing it. On the other side, in our present economy, I believe students need help. I'm not sure what's the right solution. I believe if you give a student too much, he doesn't work hard enough.

Mr Mancini: I understand your views on the ethics of improving yourself and it's noticeable right away. I think I can agree with most of your views on that. Having said that, I wonder how you're going to achieve what you wish to achieve when the present situation is such that the Ontario student assistance program is being diminished, when you're telling us we need to encourage more people to go to the community colleges to be trained so that we can compete in the next millennium. I think that's a point you may want to give some further thought to.

Mr Waite: Apprenticeship training has to be a combined role of industry and education. I believe industry will carry more load if we can somehow get better applicants and students coming into apprenticeship training. I've been quoted as saying, "Garbage in, garbage out." If we only get dropouts coming into training, industry will not support it. There is funding in industry to do more, but we're somehow not able to get motivated applicants. They're only dropouts who come to us as a last resort.

Mr Mancini: I understand that point and you've made it before, but I'm very concerned to put in place the system that you say is necessary. I have no reason to in any way disbelieve you. I believe you're absolutely right on. The truth of the matter is we're losing jobs here in Ontario and Canada to high-paying countries. We're not only losing jobs to low-paying countries; we're losing jobs to high-paying countries. I don't think we're any better than 10th or 11th on the payroll list in the world any more, so it's a fallacy that we're only losing jobs to low-paying countries.

I'd like to know from you, why it is important for Ryerson to become a university?

Mr Waite: As I said, I don't want to mix these two.

Mr Mancini: Sir, you're going to be a member of the board and I believe this committee has at least the right to be able to ask you your views because you're going to have a vote there. I want to know why you believe it's important for Ryerson to become a university.

Mr Waite: I just want to separate this from apprenticeship training. That's why I said I didn't want to mix the two. I've been addressing apprenticeship training.

Ryerson is putting out graduates with a mixture of theoretical and practical training that I believe deserves a university status and recognition as such, because you cannot become a professional engineer today unless you have accreditation.

Mr Mancini: That's the goal, it seems to me, and that's why I asked my questions earlier on. Having had some experience in government, having a community college nearby where I live and having visited a number of others in different roles and responsibilities, you scratch the surface and every community college president wants to be a Ryerson and Ryerson wants to be the University of Toronto. I kind of get this feeling and I think that goes contrary to what you want to accomplish.

1430

I wonder if you could reconcile that for me. It appears that in one way you can reconcile that and in another way you say you have no difficulty with Ryerson becoming a university or having some type of university status. That's only going to encourage the other community colleges to do the same, and it's going to have a counterweight to all of the things that I believe you wish to accomplish.

Mr Waite: On the board of governors of Ryerson, I certainly will be speaking up to recognition of apprenticeship training. That I can combine. In talking to community colleges as an industry, I do hope to give them more of a sense of responsibility in the skills training area, and that is not Ryerson.

Mr Mancini: Pardon me, but if I was associated with another community college and I was looking at a new appointee to the board of governors who was a graduate of Ryerson and who was saying in one breath, "We need our community colleges to go back to doing and being what they were initially set up to do and be," and at the same time was saying, "Oh, no, but that doesn't in any way interfere with my wish for Ryerson to have some type of university status," I'd have some difficulties with your views. In some small way that would take away from the other things that I think you're very capable of selling, the things that I believe are needed to be sold in this province and in this country.

My next question in regard to that is, do you think that the administration at Ryerson should have been more careful in overseeing the accreditation of some of their staff?

Mr Waite: Yes.

Mr Mancini: Do you think that was an embarrassment to Ryerson?

Mr Waite: If it wasn't, it should have been.

Mr Mancini: As a member of the board of governors, what would you institute in order to make sure something like that didn't happen again?

Mr Waite: I can't answer that question. I need a better feeling for the responsibility in those decisions. I haven't got a feeling whether the board of governors can really influence that. I certainly will talk up to it, because I don't

think it was good for the reputation of Ryerson and our educational system. I can't tell you how the board of governors can affect that; I'm sorry. I can only talk up to it.

Mr Mancini: Mr Waite, the only thing wrong with this process is that we get good people like you to come in and we are allowed 10 minutes to ask you questions; but thank you for coming. I found your comments to be quite enlightening. Best of luck.

The Vice-Chair: Thank you very much for appearing before us, Mr Waite. I wish you all the best. I wish the ministry's recommendation were to make you the Deputy Minister of Skills Development. I think it would be an asset. Thank you very much for coming.

Mr Owens: We'll move that right now if you wish.

The Vice-Chair: Okay, committee, we have one item of business to deal with. We'll deal with the determination of whether or not the committee concurs in the intended appointments we have reviewed today.

Mr Waters: So moved.

The Vice-Chair: Moved by Waters. All those in favour? All those opposed?

Motion agreed to.

The Vice-Chair: One other item of business is that we had two people who were not able to attend today. They are Joan King, Waste Reduction Advisory Committee, and Judith McCormack, Ontario Labour Relations Board. I'll ask our clerk to bring us up to date on that procedure.

Mr Mancini: Are we at the stage where we can discuss new business?

The Vice-Chair: We can after we deal with this item.

Clerk of the Committee: The committee asked the subcommittee to review possibilities of scheduling Joan King and Judith McCormack, and the subcommittee directed me to discuss this with the public appointments secretariat, who did consult with the two ministries, found that they could exercise their discretion to see the one appointment withheld, that of Joan King, until well beyond the normal time for the committee's opportunity to review it, until the House returns. So that would be the committee's first meeting on September 30 when this appointment could be scheduled.

The other one could not be extended beyond September 11, given the need to have the new chair of the Ontario Labour Relations Board in place to replace the outgoing chair.

Mr Wiseman: I move that we extend the one. I guess it has to be done on the basis of concurrence with whoever asked for it. Which party asked for it?

The Vice-Chair: The official opposition. If we could have the advice of the official opposition. Mr Grandmaître, you asked for Judith McCormack as your choice. The clerk has indicated that they have to have it by September 11 and therefore it could not be put on for longer.

Mr Wiseman: Doesn't the secretariat have the right to refuse the extension?

Mr Grandmaître: Yes.

Clerk of the Committee: Beyond the 11th, yes.

Mr Wiseman: I understand, through what they said to you, that they're in fact refusing the extension.

Clerk of the Committee: They feel they're not able—

Mr Grandmaitre: Nothing unusual about that, about being turned down. So I think we should agree today that both Ms King and Ms McCormack be appointed.

Mr Wiseman: I wouldn't agree to that.

Mr Grandmaitre: I don't know why we shouldn't appoint them today, because it's automatic, and I think it's a waste of time. We should approve them today.

Mr Wiseman: I disagree and I want to review Ms King.

The Vice-Chair: The third party chose Ms King, so I guess we'd like to hear from the third party if it would like to prolong it or approve it today.

Mr Grandmaitre: Both mikes are on.

Mr Carr: Politicians not talking. Isn't that strange? I look to our elder statesman here, seniority here. My feeling on the two appointments is that the one in particular for the labour board is obviously very important because of the critical situation; the other one, I would have no problem if we proceeded with approval today.

Unfortunately, these things don't work out sometimes logistically to get them on, but I would have no trouble approving it. The one I would have liked to have had a chance at was the one regarding the labour board, because I think that's very important, particularly in light of what's happening, but I guess we won't get a shot at that one.

Mr Wiseman: I make the motion that Joan King be reviewed on September 30.

The Vice-Chair: We have a motion before us. All those in favour that we proceed with it on September 30? All those opposed?

Motion agreed to.

Mr Mancini: I'm abstaining.

The Vice-Chair: That's all right.

Mr Wiseman: That's usually what it means when you don't raise your hand.

The Vice-Chair: Thank you. That concludes that business. Mr Mancini, do you have a point of new business?

Mr Mancini: I've heard a lot about this committee, and I've really appreciated the opportunity to have had the pleasure of substituting for one of my colleagues. I find the process—

Mr Grandmaitre: Fascinating.

Mr Mancini: —fascinating. I think we could do the Legislature a better service if and when we chose these candidates if we allotted different time periods for review based on the importance of the appointment, based on the political considerations of the day. For example, if the chair of the Art Gallery of Ontario was going to be replaced at this particular time, I think because of the political situation of the day that might merit more time for a prospective candidate than maybe under normal circumstances.

I think we've helped the government appoint a number of capable people this past week. We certainly have appointed people to some very sensitive positions. I won't at

this time pick out any one particular candidate we reviewed this week, but I find in some instances and circumstances that the half-hour or 10 minutes per party doesn't do the situation any justice whatsoever. There was one in particular that I felt we could have spent all day with the person, not because of the person but because of the sensitivity of that person's appointment.

I'll accept the fact and have always accepted the fact that the government of the day has the right to make appointments, and if the government of the day chooses to be generous and chooses to ask for and listen to the advice of members of the opposition, I guess that's a bonus.

Having sat in Legislatures that have been run by three different governments, I see the process being used by all three somewhat similarly. But if we're going to go through this and if we're actually going to bring people in—I remember one individual actually thought and said out loud that he found the process somewhat—what's the word he used?

Mr Sterling: Useless?

Mr Mancini: No, not useless; intimidating. He found the process intimidating. How interesting. But when you're only allowed 10 minutes per party and 30 minutes per group to ask questions, just how intimidating can you be? How thorough can you be?

Without elongating the discussion, I just wanted to let the committee know that it would be appropriate to possibly have different time periods for different candidates.

The Vice-Chair: I can inform you, Mr Mancini, that is in the rules. We could have had one-hour appointments today if that's what the subcommittee had selected to do. However, we selected half an hour. There are some that could be an hour, and perhaps the ones today could have been an hour.

Mr Mancini: Is an hour the maximum?

The Vice-Chair: Is an hour the maximum?

Clerk of the Committee: There's not a time limit now.

Mr Mancini: There's not a time limit.

Clerk of the Committee: No. The subcommittee has regularly been making recommendations—

Mr Mancini: Over the period of the many months this committee has sat, have you ever given anyone more than half an hour?

Clerk of the Committee: Yes; three hours, actually.

Mr Mancini: Then why would you not give the person—

Mr Sterling: We should have Marc Eliesen back and find out why he was fired.

Mr Mancini: Yes, we should.

Interjection: Which one?

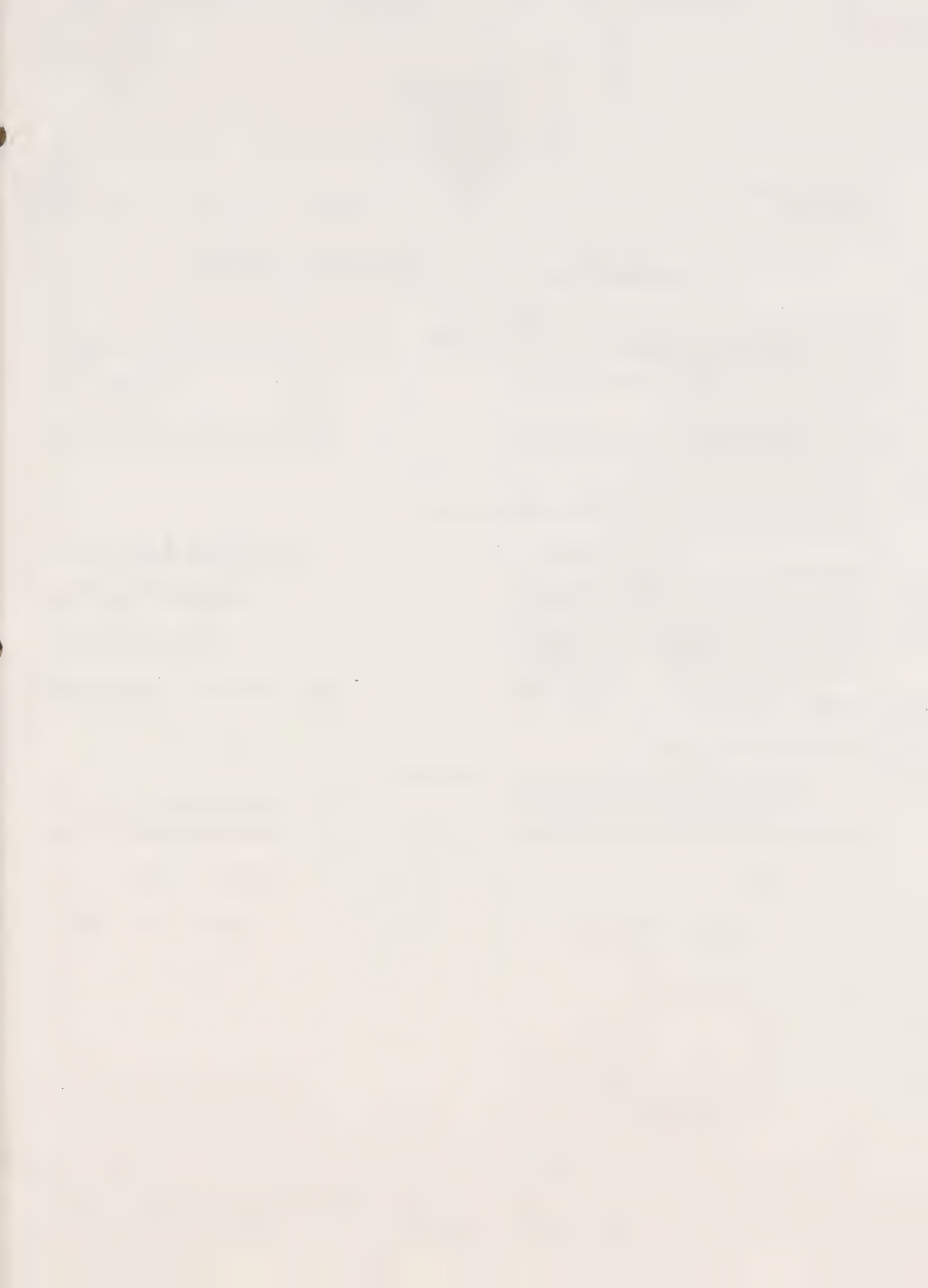
Mr Mancini: The special investigations unit.

Interjections.

Mr Mancini: Well, good luck to all of you.

The Vice-Chair: If there's no other business, could we adjourn the meeting?

The committee adjourned at 1444.



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***Vice-Chair / Vice-Président:** McLean, Allan K. (Simcoe East/-Est PC)

Bradley, James J. (St Catharines L)

***Carter, Jenny** (Peterborough ND)

***Cleary, John C.** (Cornwall L)

Ferguson, Will, (Kitchener ND)

***Frankford, Robert** (Scarborough East/-Est ND)

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***Waters, Daniel** (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)

***Wiseman, Jim** (Durham West/-Ouest ND)

Substitutions / Membres remplaçants:

***Carr, Gary** (Oakville South/-Sud PC) for Mr Stockwell

***Haeck, Christel** (St Catharines-Brock ND) for Mr Marchese

***Mancini, Remo** (Essex South/-Sud L) for Mr Bradley

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***Sterling, Norman W.** (Carleton PC) for Mr Runciman

***In attendance / présents**

Clerk / Greffier: Arnott, Douglas

Staff / Personnel: Pond, David, research officer, Legislative Research Service

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Legislative Assembly of Ontario

Second session, 35th Parliament

Official Report of Debates (Hansard)

Wednesday 7 October 1992

Standing committee on government agencies

Subcommittee business
Appointments review

Assemblée législative de l'Ontario

Deuxième session, 35^e législature

Journal des débats (Hansard)

Mercredi 7 octobre 1992

Comité permanent des organismes gouvernementaux

Travaux du sous-comité
Révision des nominations



Chair: Robert W. Runciman
Clerk: Douglas Arnott

Président : Robert W. Runciman
Greffier : Douglas Arnott



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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 7 October 1992

The committee met at 1010 in room 228.

SUBCOMMITTEE BUSINESS

The Chair (Mr Robert W. Runciman): Members, I wonder if we could get under way. We're a little late starting. We'll bring the meeting to order.

The first matter on the agenda is the report of the subcommittee on committee business. Hopefully you all have a copy of that before you. Any questions, concerns, comments in respect to the subcommittee report?

One correction I should point out is on page 3 of the subcommittee report, where it mentions "Third Party: To be determined." That should read "Third Party: None selected."

I'll give you a minute to take a quick look at the report. No problems with it? No concerns? Hearing none, I'm going to move on to the next matter on the agenda.

APPOINTMENTS REVIEW

Consideration of intended appointments.

WARREN MAZURSKI

The Chair: We have a half-hour review of the intended appointment of Warren Mazurski, who is an intended appointee as a member of the Old Growth Policy Advisory Committee. Mr Mazurski, are you present? Would you like to come forward and take a seat, please. Welcome to the committee. Your selection was requested by the government party. This is a rotation, 10 minutes to each caucus, Mr Mazurski.

Mr Bernard Grandmaître (Ottawa East): Wasn't it the official opposition, Mr Chair?

The Chair: It says government party in respect to—my apologies. I'm jumping ahead. You're right, Mr Grandmaître. I'll let you start off.

Mr Grandmaître: I wouldn't miss that opportunity.

Mr Daniel Waters (Muskoka-Georgian Bay): Mr Chair, have there been offered opening statements up to this point?

The Chair: No, we do not.

Mr Waters: When did this change, because we always used to.

The Chair: No, we've never done that. We only have very limited time and as a rule we do not allow opening comments because it eats into somebody's time.

Mr Grandmaître: Good morning, sir.

Mr Warren Mazurski: Good morning.

Mr Grandmaître: I realize that your committee is a new committee; it's in its infancy. I'm going to ask you, what are your thoughts on the responsibilities or the mandate of the committee, and also your personal definition or perception of what old growth is. What is your perception of old growth?

Mr Mazurski: That question still hasn't been answered satisfactorily in my mind, but my perceptions are just trees that are very old, a forest that has been around a long time. It's enjoyed for its beauty, it's enjoyed for its recreational purposes, it's got values added to it. It's just a real nice place to be, I guess. It's hard to say. This question has been going in my mind so long, I could get into it like—

Mr Grandmaître: Not only in your mind. I suppose in anybody's mind, there's no scientific definition of old growth.

Mr Mazurski: No, there isn't, none that I can put my fingers on. So many people have so many different views of it. Some people see it as a forest that you can use to cut lumber from and make a living out of it. Some people see it as a forest that should be left alone, protected, because it's disappearing very quickly and once it's gone it can never be replaced. Other people see it as a spiritual place, a place to be where they can sort of become basically part of what it's all about to be alive and on earth and stuff like that. So there are a whole mixture of thoughts running through my mind, in my perception, and I'm looking forward to hearing more from the public and people like that as to how they perceive old growth forests. That's a pretty wide question.

Mr Grandmaître: Are you familiar with the mandate or the responsibilities of the committee?

Mr Mazurski: Yes. We're to come up with an interim strategy by the end of this year, specifically centred at red and white pine, and then an overall strategy for old growth forests by the end of 1993, a conservation strategy.

Mr Grandmaître: You said "red and white pine."

Mr Mazurski: Right.

Mr Grandmaître: And in your opening remarks in your perception or your definition of old growth you said "trees." Do you think it should be limited to white and red pine?

Mr Mazurski: No, I don't. I think there's old growth in all areas. I've seen some beautiful stands of old birch and old poplar and cedar too that are just beautiful. All those areas should be looked at.

I can understand the red and white pine right now. It's probably the one that's most upfront because it's rapidly disappearing. There's very little of it left, so I can understand the immediate concern to come up with an interim strategy on that until we can get a better handle on the whole picture and try to encompass all of it together. I can understand that. It is disappearing very rapidly.

Mr Grandmaître: Yes, it is disappearing very rapidly and I agree with you that especially the old red and white pines are fast disappearing. Don't you think that, until your study is completed, there should be a moratorium? Stop the cutting, then come up with a—but the cutting is going

on now. I find it very surprising that there's no policy. You're still looking for a perception or a definition of "old growth," and the cutting is going on.

Mr Mazurski: That's a problem with the moratorium. First of all, we don't know all the old growth site specifics and, like you just said, we don't really have a definition of what old growth is. So if we just put a moratorium out there and said, "Okay, nobody can cut," that's going to affect people's livelihoods, their jobs, communities. All those things have to be taken into consideration. It's a very serious decision to put a moratorium that could affect people's livelihoods.

It's also very serious not to address the problem and allow the cutting to continue, where an old growth stand could disappear off the face of the earth for ever. So it's sort of one of these. Hopefully, through the interim strategy, we can identify areas that are really rapidly disappearing, that are being cut. Maybe we can look at something there that can save that forest until we can come up with a final decision on how we feel that part should be looked after.

Mr Grandmaître: But don't you think it's going to be too late in a year from now when you realize—I don't know what the final report will say. Let's say the report says, "We've been too generous or overgenerous in the past and those trees are gone." They're gone for 40, 50 or 75 years. Don't you think you're putting the cart before the horse?

Mr Mazurski: Again there's so much more to learn that I can't really answer you. All I can say is I hope it isn't too late. At least we've started something now that is going to address the problem. Prior to this, we hadn't done anything to address the problem. We're very close now to the end of 1992 here and the interim strategy will be coming in very soon. So if there is an area that is rapidly disappearing, hopefully we can address it. If we have to protect it, and that's the decision of the committee, we will recommend that to the minister and he can take that action from there.

I know this, because I've been actively involved in that committee since May already. I took the place of a friend of mine who was on the committee from our union, Kim Ginter. That was one of the reasons I was nervous about coming here, because when you're actively involved in the committee and you've already been publicly named as an active member in that committee through a discussion paper and you haven't had an order of council yet, I guess you kind of feel, "Whoa, what's going on here?"

Mr Grandmaître: No, I realize what you're faced with. You just said you've been active since May.

Mr Mazurski: Yes, I have.

Mr Grandmaître: What else should the Ministry of Natural Resources be doing to protect old growth?

Mr Mazurski: What should the MNR be doing to protect it?

Mr Grandmaître: Yes, any thoughts? Because I don't know. I'm not trying to—

Mr Mazurski: I don't know. I have a lot of my own thoughts about things, but it's one of those things where we're not really sure just what should be done yet. That's why it's so important that we get to hear what everybody

has to say out there, so we can make those decisions with some facts behind them.

To say to you honestly right now what MNR should be doing, I really couldn't say. I hope they're following proper forest management tactics. I hope they're properly out there doing their job, watching what's going on and making sure that everybody is following the rules that are in place now. That's all I can hope for.

I'm from northern Ontario and I've seen many, many clear-cuts and things like that and I don't think that's necessary, personally, in my own mind. I think the forest could be properly managed and properly used by the people who need it for a livelihood and for the people who need it for recreational and spiritual values and whatever. I think it's all there and if we all work together I think in the end we can come up with a solution to the problem so that everybody can feel they had a part of it and continue to use the forest in a manner that's job-related, in a manner that's spiritual-related, in a manner that's recreational-related and stuff like that.

1020

Mr Grandmaître: I agree with you that we should be better managers of our forests, but I still find it very, very strange that there's still a great deal of cutting and now we're putting another committee in place. I understand there's about four committees. There's the forest industry advisory group, the old growth, the forest policy committee and also the ministry has a scientific advisory group set up to assist all of these committees.

While all of these committees are meeting trying to come up with a solution to our forestry problem, there's still a great deal of cutting, and that's why I asked you previously if a moratorium was necessary, because I can recall 36 months ago when the government was criticizing the government of the day for the lack of management of our forests, and now it's got all kinds of committees in place, at least four committees.

Cutting is still going on and people block roads to prevent the cutting of this old growth. I find it very, very strange that while cutting is going on people are meeting still trying to find a solution and it might take a year or two before a final decision is made. I'm not blaming you because I know of your interest. I'm told you're a great birdwatcher as well.

Mr Mazurski: Yes, I am. I really enjoy it.

The Chair: If you have another question, Mr Grandmaître, you're just about out of time.

Mr Grandmaître: Do you think we've got too many committees doing the same thing?

Mr Mazurski: I don't know what the other committees are doing.

Mr Grandmaître: The government doesn't know either, so that's why I'm trying to—

Mr Rosario Marchese (Fort York): Only the opposition knows.

Mr Mazurski: I don't want to comment. All I do know is that I just hope in the end—and very soon the end comes, and I've got to agree with you that while all these

people are meeting, the forest is still continuing to be cut and somebody has to look at that—when it all comes together that finally we'll have something out there that takes into consideration a sustainable forest and that we don't lose a natural resource that is very special to this country and to the people who need it for all kinds of reasons. That's all.

Mr Grandmaître: Good luck to you.

Mr Allan K. McLean (Simcoe East): You work for the Canadian Pacific Forest Products. Has there been a cutback in that place of business in the last two years?

Mr Mazurski: Yes, through technological change. I can remember when the membership I'm with used to have 1,900 members during peak time. Through modernization, we're down to 1,400 now and we feel after they do away with our wood room and stuff like that we'll be down to about 800 people. That's a lot of people who have lost a lot of jobs.

Mr McLean: Have you noticed in the last several years the quality of lumber that's coming into that mill? Has the grade of that lumber gone down?

Mr Mazurski: What has gone down there is the size of the lumber. I can remember when I first started back in 1973 you used to get logs like this. Now I call them toothpicks or matchsticks. The size has gone down. I guess the fibre content is still the same qualitywise, but the size has definitely gone down.

Mr McLean: The company that you work for, is it doing clear-cutting?

Mr Mazurski: Well, yes, they are.

Mr McLean: Are most of the pulp and paper mills now doing clear-cutting?

Mr Mazurski: As far as my knowledge is, yes, a lot of them still do clear-cutting. Their argument, then, on that note is that they also do a lot of replanting. They plant a lot of seedlings. The big question of the day is—again, that is another study—do they regenerate properly and do they clear-cut?

Mr McLean: I guess the other question of the day is, too, that we've cut back and about 35 million less trees are planted than in the previous years. What are your comments with regard to the cutbacks that are taking place with the nurseries that are closing? I've been here long enough, and I remember that the minister was always adamant about planting more trees. If everyone is now planting less, what do you think's going to happen with the regeneration of our forest industry?

Mr Mazurski: Personally, I don't agree with the idea of cutting back on the planting of the trees or cutting back on the nurseries. Those are my personal feelings. If they come up, in the end, with a strategy that does away with clear-cutting, then that may be a different story. But until that strategy is in place, they have to continue to plant trees, because there's a big need for seedlings. I don't pretend to know the whole picture. Maybe they have enough seedlings out there when they analyse the whole situation; I don't know. All I know is that I don't see the sense in it.

Mr McLean: The seedling growers and the people who're involved in the industry sure are very unhappy with the amount of cutbacks that have taken place and the amount of seedlings that they're selling. It's mainly the private companies that are buying the seedlings now and planting them and the government is the one that has cut back.

The report is supposed to be done by the end of October, but you'd indicated that you've been involved in some of the discussion that's gone on within that report. Do you anticipate the report will be done by the end of October?

Mr Mazurski: The interim report? Actually, the interim report doesn't have to be ready by the end of this year, the end of December.

Mr McLean: The committee members told a press conference that it would not adopt a precise definition of "old growth" until after public hearings were completed in October.

Mr Mazurski: Yes, but they're doing public consultation in October and then they're doing a sectoral consultation in November. Then, by the end of the year, the committee is supposed to come up with an interim strategy to recommend to the minister on red and white pine.

Mr McLean: Do you have a definition of what you would call "old growth"?

Mr Mazurski: I'm telling you, I talk to everybody. I'm from Thunder Bay and I know a lot of professors at Lakehead University. Dr Willard Carmine is a forester and old growth is his love, you know, and he doesn't have a proper definition for it. The one the committee is using is "relatively old and relatively undisturbed," and there are a bunch of criteria that go with it, like questions to be answered. No, I don't have a proper definition.

Mr McLean: There were about 12,000 acres around Thunder Bay that were prepared for seedling planting. Do you know if they were ever planted, or are they still sitting there prepared, with nothing done to them?

Mr Mazurski: I couldn't answer that.

Mr McLean: You're not aware of that?

Mr Mazurski: No.

Mr McLean: That's all for now, Mr Chair.

Ms Jenny Carter (Peterborough): I'd just like to say what a good background I think you have for this, because you've got a foot in both camps. You're in the industry in the union, and you're a botanist and a concerned person from that point of view as well, which I think is ideal.

It seems to me we've really got two related problems here. One is the old growth forest as such, and I understand that there are only about 1,400 square kilometres of that left, so it seems to me that is quite a small amount. It could very soon be cut if there were no moratorium on it, and then we would have lost whatever it is that old growth forests offer uniquely. I think you and I would agree that there is something special about old growth forests. It's not just one species; it's the mix with all the wildlife that goes with it.

Then I think the other question, when we're looking at jobs and the economy and so on, is whether the forestry we're doing in general is sustainable. Certainly,

the information I have suggests that it's not, that as has been said we're clear-cutting, we've overestimated the reserves we have, and we harvest areas where it won't regrow or it will take a very long time to regrow. We send students out planting, but in such a way that it's not going to take. Maybe too much slash is left behind and they don't have a proper field to operate. Does it seem to you that there will be jobs in the forest industry down the road if we don't change our ways quite drastically?

1030

Mr Mazurski: If we don't change our ways, no, there won't be jobs in the forest industry, as far as I'm concerned. It takes a long time for a tree to grow back in Ontario because of the climate. In some places, due to clear-cutting and siltation and stuff like that, they'll never grown back. So unless something is done to manage the forest properly in a sustainable way, no, we won't have a forest industry here any more. We'll have mills, but we won't have any forests.

Ms Carter: Whereas in the States they can keep growing much more rapidly.

Mr Mazurski: There's a faster growing cycle there, yes. In some places that I've been told about, farther than the States, they build the mill before they grow the trees, because the trees grow so fast.

Ms Carter: So I take it you feel that putting a moratorium on cutting at 1,400 square kilometres wouldn't make a big impact on jobs compared to what we could achieve by getting the whole industry on a renewable basis.

Mr Mazurski: I would put a moratorium on something if nothing was being done, because somebody has to draw the line. But if there's something being done and there's time there to look at it before it's wholly devastated, then you have to take into consideration people's livelihoods, communities and stuff like that, if you have the time. I believe right now we have that time, by the end of this year, because of the interim strategy. That's back to his question about red and white pine.

Ms Carter: Do you feel that some economic use can be made of those forests without actually destroying them?

Mr Mazurski: Yes, I do.

Mr Waters: I'd like to get to this definition of "old growth." Basically, do you think the committee can ever come up with a working description of what we mean by "old growth" in the province? It may never be quite static, because times change and what we value or what we consider old growth changes, but do you think we can come up with the basis of it?

Mr Mazurski: I think we can come up with a basis, and I think we can come up with some general direction for maybe the resource managers or something. But an equal system is so complicated, and there's so much work to be done that we haven't been doing to come up with characteristics that are related to old growth and stuff like that, that I don't think we can come up with an overall description right out of the chute. But I think we can come up with a general description with some direction for further work to continue on in the way of identifying old

growth and stuff like that. I don't know if that answers your question.

Mr Waters: With the moratorium that is in place on red and white pine, do you ever see that being lifted? I think we've sort of gone around the issue, but it's my understanding that there is a moratorium in place. To be very plain about it, do you think we would ever lift that?

Mr Mazurski: Again, we have to look at all the facts. I think the moratorium was put in place because we weren't aware of all the facts. So if the facts indicate that there is a possibility of lifting it, then we'll look at that possibility as a committee. If the facts indicate that we can't lift it because it's at its final stages, then the committee may decide at that point that the moratorium will continue.

Mr Waters: I have one last question. There's a sustainable forest strategy out there, and I see where we have the Ontario independent forest audit, the forest policy panel, the forest industry action group, the private woodlands strategy, yourselves, the community forestry initiative and a couple of others. Do you ever talk or do you ever plan to talk? It probably isn't a question you want to hear from me, but I'm curious.

Mr Mazurski: No, that's a good point, because it's nice to know what the other groups are doing so that we can sort of get a feel of how it's all coming together. Our committee has met with the forest policy panel and we have exchanged thoughts on what's going on and where we're going and stuff like that. The other committees? No, we haven't talked to those people yet, but we are looking at getting information from the different groups so that we can go over basically where they're coming from too, so that we can all have an idea where we all are and where we're all going. Yes, we should be talking and we should be corresponding with each other so that we know what's going on. Somebody's going to have to put all this together.

Mr Waters: I would hope that will come together in the near future, because I think if we're going to deal with our forest and retain our forest for our future generations, we have to work together.

Mr James J. Bradley (St Catharines): Mr Chair, if I can get a quick point of order, my friend Mr Waters may answer this, because it just came out of his question: I didn't know there was a moratorium on the cutting of old growth, except around the Temagami area.

Mr Waters: It says here on page 3 of your background from your legislative research—

Mr Bradley: Except the Temagami area?

Mr Waters: It says, "Until this strategy is developed, harvesting of major old growth red and white pine stands has been stopped."

Mr Bradley: All over Ontario?

Mr Waters: "About 1,400 square kilometres of such pine has never been cut."

Mr Grandmaitre: What about the Turtle River provincial park? That's close to your area.

Mr Mazurski: Yes. There are still some—

Mr Bradley: Just for clarification, because it was a good question.

Mr Waters: I was going to refer it maybe to Mr Pond, the researcher who wrote the paper.

Mr Bradley: Thanks, Dan; I appreciate it.

Mr David Pond: My understanding is that the moratorium applies to what has traditionally been regarded as old growth, which is the uncut virgin red and white pine, which is in the north, obviously. It's north of Sudbury from Wawa, Temagami and bits of the western part of the north shore of Lake Superior.

As the witness has indicated, it's up to the committee and the government to provide a definition of "old growth" which may be larger than that, which may encompass parts on here which are now being cut. The moratorium applied to the red and white pine which has not been cut.

Mr Bradley: I appreciate that. I knew there were trees falling all over northern Ontario and it just seemed odd, but it's good clarification. Thank you. I'm sorry to take your time to do it that way.

The Chair: Anything further from the government members?

Mr Waters: No, I just think the witness, by his qualifications and interest, shows that he will make an excellent member of the panel and I wish him well.

Mr Mazurski: Thank you.

Mr Bradley: I didn't even get a chance to ask if he was NDP.

Mr Mazurski: I'm not a card-carrying member of the NDP.

Mr Bradley: Good. That's great. I didn't think so. Your answers were so good.

Mr Mazurski: But just on the defence of the NDP, I think it's about time we came up with some kind of forest strategy. I'm sure we all agree with that, and I respect them a lot for that.

Mr Bradley: I agree with that. This witness has the qualifications—Mr Chair, I'm going overtime—both of a person who's been in the industry end of things and at the same time is a person concerned about botany. That's an excellent kind of appointment, in my view.

Mr Mazurski: Thank you very much.

The Chair: Mr Mazurski, you travelled all the way down from Thunder Bay for this today?

Mr Mazurski: Yes, I did.

The Chair: I didn't afford you an opening opportunity for comments, so in fairness, since you travelled all this way, I'll afford you an opportunity for a closing statement. Is there anything you'd like to say before we close off?

Mr Mazurski: I'm just honoured to be on a committee like this. To me, it's a chance of a lifetime. With my interest in the forest, in the natural setting and stuff like that, I've seen a lot of things out there I don't like and I've never been given a chance to express those concerns. I know a lot of people too who are friends of mine who have never had a chance to express their concerns on how the forest is being managed and things that are being done to

it. Because my livelihood also depends on the forest, I'm also very concerned about that.

I look at the forest as a renewable resource that if properly looked after and properly managed, will last not only my generation but my children's and their children's and so on and so on. I think all it takes is the will to do it, so again I compliment the government for starting these committees and I hope in the end something comes out of it, though, that it doesn't just fall by the wayside. That's one thing I don't want to see happen. In the end, I hope we all go ahead and commit ourselves to it. Financially, I guess, is one area that's always a problem with these kinds of things.

That's basically my closing statement, and thanks. I'm glad it's over.

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The Chair: Fine. Thank you very much for travelling all the way down. We appreciate it.

Mr Bradley: You should know that I complimented the government on your appointment.

The Chair: Before I call the next witness, I want to make reference to the suggestion Mr Waters made with respect to opening statements. The clerk reminds me that on occasion I have allowed opening statements, primarily with witnesses such as the chair of Ontario Hydro, for example, where we have had an hour for review, but if it's the wish of the committee that there be a practice that we afford the opportunity to all witnesses, that's certainly fine by the Chair.

We should perhaps be guided by the committee again, but when we're looking at only a half-hour review, some people can certainly take advantage of that by chewing up a significant portion of the time for an opening statement. If it's a half-hour review, I think they should be limited to a minute or two, and for a one-hour review, then we can look at something perhaps longer than that. Is that fine?

Mr Grandmaitre: Why can't we look at the possibility of having 30 minutes of questions, but also give the witness five extra minutes? That would be a total of 35 minutes.

The Chair: It's up to the committee.

Mr Waters: How about we talk this over either with our caucuses or in subcommittee and work this out over the next while? We're a committee that's still evolving.

Mr Marchese: A quick comment, Mr Chair: I think most people won't use up a lot of time in introductory remarks, actually, simply because they may not know what to say. They may have something to say, however, at the end of the question period, as we did today. It gives the person an opportunity to say things that may have arisen out of the questions that he or she may not be able to think about in the introduction. We may even think about allowing two minutes or so at the very end even, because I think that's all the person would need.

The Chair: We'll toss it back to the subcommittee, I guess, as we have a number of opinions on this.

JOHN A. ROBERTS

The Chair: Our next witness is John Roberts; he's an intended appointee as member of the university research incentive fund selection committee. Welcome. As you've been listening to this discussion, I'm going to afford you a couple of minutes to make some opening comments, if you wish.

Mr John Roberts: No, I like the idea of making a statement at the end. I thought that was very good, actually.

The Chair: Okay, we'll give you that opportunity at the end, then. I'm looking to the government party to begin.

Mr Waters: Obviously, from all the information I've received, Mr Roberts, you're more than qualified. I understand you represent an area of electronics or something of this nature. Could you go into that and how you feel that will work with the selection committee?

Mr Roberts: I think the committee is getting proposals which involve electronic areas. I've seen proposals that seem to involve, for example, specialized areas of telecommunications, display technology and various esoteric research with gallium arsenide and so forth. These are all areas I'm reasonably familiar with. I'm obviously not a specialist in all of them, but I have to read widely. I feel it's important that these areas are covered properly by the committee.

Mr Waters: Can you tell us offhand, is there anyone else on the committee who represents the electronic side of research and development?

Mr Roberts: I am not intimately familiar with all the members, but as far as I could tell, in a recent attendance I had at one of the meetings, there was one person who was familiar with the computing industry, which is an aspect of electronics, but nobody who dealt with the technology per se that is used, for example, to build computers.

Mr Waters: Actually, when I looked at this, I've no idea why my colleague called you before us, and he's not here today. At this point I have no other questions of you.

Ms Carter: As I'm sure you know, there's a project for an international space university to be located on the campus of York University. I wondered what your opinions on that were and whether you think there's any possibility that might soak up funds that then would not go to other universities in the province.

Mr Roberts: I'm not aware of the funding problems or otherwise of all these various initiatives. I had the impression, having just attended one meeting of this committee, that there is some sort of funding problem. If it got worse, I think the committee's ability to attract interest from the academic community and industry would be imperilled. I understand there's already been several delays about the availability of funding, and people get very disenchanted if their applications are left lying fallow for a considerable period of time. After all, we're talking about advanced research. If there was any cutting back in funding, I would think it would jeopardize the stature of this granting program.

Ms Carter: Of course we are looking at a shortage of money in general in the universities.

I noticed that the whole emphasis of this research incentive fund selection committee is on universities working with firms on what you might call technical projects. I wonder if this might lead to a little imbalance in terms of what universities are devoting themselves to when you look at the wide range of disciplines universities traditionally undertake. Do you feel that there's any potential problem there, that we might put our money into things because they have possible commercial benefits as opposed to things that might be of more benefit in the long term?

Mr Roberts: I can appreciate your concern, but I have quite the opposite view, and I'm surprised by the tone of the question. I think one of the biggest problems we have is that the universities have not traditionally, outside of this granting program, keyed their research closely or even in any way associated their research with the needs of industry in Ontario and Canada in general.

Actually, on my first exposure to the URI funding—and I've been on Natural Sciences and Engineering Research Council committees for as long as 10 years, but this was my first exposure to URI funding—I was so delighted to see specific, detailed contracts between companies and researchers in university, which I did not see and have never seen, of course, in the NSERC program, and this was a very positive discovery; in fact, I intend to spread it. So my view is, I'm afraid I represent industry. I'm very pleased that it is the way it is.

Ms Carter: Do you feel that the larger universities should be given more encouragement, as opposed to the smaller ones?

Mr Roberts: I'm specifically interested in smaller ones, actually. I noticed that in the recent awards there was an application from Lakehead. I did notice that the experienced members of the committee took particular care over trying to get funds to that university. Of course there are many very fine researchers elsewhere who are very good competitors for funds, but there was a very distinct interest, I noticed, in treating every application from a smaller university with the greatest care and interest and appreciation.

Ms Carter: As far as I know, sometimes the breakthrough discoveries or whatever don't always come from the research that's very specifically directed off in the large teams. Sometimes it comes from very basic research that is being done, as you might say, in the pursuit of knowledge, and then something comes up that has applications that nobody would have dreamed of.

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Mr Marchese: I apologize, Mr Roberts, if I'm about to ask something Mrs Carter may have asked, but it is around the whole issue of money. Clearly, what this fund is used for is important. The problem of underfunding is always an issue for everybody. What do we do when there is complete reliance, or at least a great deal of reliance, on government funding, but we as a government have a problem in terms of our ability to assist in the way we would like? How do you see us solving these ongoing questions of funding? Do you have any suggestions about how we deal with that?

Mr Roberts: Yes, I know this is an issue throughout government. I deal mainly with the federal government and I see it every week.

I would urge you, within the funding limits that you undoubtedly suffer from, to make sure the funding is provided in a timely fashion, even if it's small. What I'm experiencing from the federal government, and what this committee has experienced from the government in recent months, is that there have been delays in the funding. Delays in the funding are quite damaging, because timing is of the essence when you are in a competitive environment. Even in university research, particularly in this case where there are contracts involved, it is important to the companies that want to be associated with it.

To alleviate the fears that it is all government funding, I did notice in this particular funding program that it isn't all government funding. In fact, I noticed that we the committee—or they the committee; even more accurate—took tremendous interest in how much money was coming from the Kodaks of this world, the other companies, the Northern Telecoms, the Bell-Northern Research. At least 50%, maybe 60%, of the funding was coming from companies, not from government, into the universities. It's true that some of this was contributions in kind, but the research could not have proceeded without such contributions of equipment and so forth.

I want to re-emphasize that if you continue this policy—and it's a very good policy; it's far better than the federal government's policy—of demanding a link to industry, you could press up the amount of funding from industry to perhaps even 70%. The committee would back you in that, because the committee took very particular note of those applications and particular interest in those applications that had very heavy industry funding.

Mr Grandmaître: In your view, what are the main criteria for research proposals?

Mr Roberts: We are dealing with post-graduate research and the training of post-graduate students and the awarding of master's degrees and doctorates by universities that we hope are world-class, so I would say that obviously the quality of the research must be viewed as a gating point decision.

After that, because I'm from industry and have never been a full-time academic, I was very strongly interested to see again how much money the companies were providing towards the research, which was a test, in my view, of how serious they were about using it, about promoting it and about employing the students afterwards.

If you want prime criteria, those are the two I would use.

Mr Grandmaître: What are your thoughts on the government's role in research?

Mr Roberts: I think it's extremely important. I don't want to enter a debate about industrial policy, but the fact is that I've worked in large companies, and sometimes you can't get projects started unless you can say, "We can get some funding from the government, some research money."

Actually, I think you can be a force for innovation and change. It may go against many peoples' political precepts,

but the fact is that Northern Telecom, one of our most successful companies, would not have achieved leadership in the digital switch unless three people had been thrown out of a committee in Northern Telecom, gotten in a car, driven down the Queensway in Ottawa and gone to the National Research Council and got a \$100,000 grant. So there's a \$9-billion company whose success was entirely dependent on that small amount of funding from government. Those managers rebelled and got the funding from NRC.

I know many instances of that, much less dramatic, in my experience. I am now head of a funding program on behalf of the federal government. We expect to put out \$17 million worth of R&D, and I can see the synergy that it produces because it requires, for example, two companies to get together before they have any sight of this money.

I have no strong political views; this comes from engineering experience. But I am a strong proponent of the outside agency—let's call it the government—being just that little oil to enable someone within those companies to get a start-work program off the ground, to get some dream of his going, to be an innovator even in the largest companies—never mind, of course, the extreme importance of government funding to small companies, because there's so little seed capital available for funding small companies. Sometimes all there is is URI money, all the money from the Ontario government, to start small companies. It's that bad out there right now.

Mr Grandmaître: What should the government be doing to create better partnerships between the industry and research people, and what's the role of the government? How can this government build a stronger partnership?

Mr Roberts: You raise, of course, a central issue that is very important to me personally, because I head up a fund started by the federal government. It's a sector campaign, as they call it. They want microelectronics companies to grow from being a \$300-million series of entities in Canada to a \$1-billion series of entities by the year 2001.

The way they used to do that sort of thing was to have a whole lot of expertise in industry, science and technology: civil servants who had good knowledge of the microelectronics industry. They hoped that would be the basis of building up the industry and building up the relationship with government.

For various reasons, it appears that they've abandoned that plan and they now are funding entities like the one I head up at the present time. It's called a strategic microelectronics consortium, where the initiative comes largely from the industry to decide who's appointed president, to decide who's on the board of directors, and so forth. They give me access to a pot of money, and the industry members around the table of a board of directors and within my own staff decide what projects we're going to support.

So perhaps it is a new, successful model—it has succeeded in other nations—where there is a non-profit, consortium approach, an alliance approach, to produce the right results from government initiatives and government funding. Since I've taken the position of president in this organization, I of course endorse that approach, and we are busily trying to do those things. Ten years ago there were

only perhaps 10 research consortiums. Now there are over 350 worldwide. It is at least a very dramatic trend. If it totally pays off, it will continue to grow. I hope it will. It seems to work. I've only been in existence, as an organization, for the last six months, but in that six months I can see synergies building, I can see relationships building and I can see the effect of the small amount of funds we've already put out.

Mr Grandmaître: Competitiveness has been on every politician's lips lately—I shouldn't say lately; since the introduction of free trade. And yet the federal government—you talked about the National Research Council in Ottawa—is cutting back on grants, or the budget of the National Research Council. What are your thoughts? How can we be more competitive in this world when the federal government cut back on grants and programs and we're losing our people at an alarming rate to the United States? Can you figure that one out?

Mr Roberts: Yes. I'm sure that's a nice political statement. The reality of the situation, however, is just as bad as you intimate. I can hold meetings these days with as many as seven people, and it will turn out, quite often, that I am the only one of the seven engineers around the table who is employed. The skills and talents of those people are wasted. Only 20% of some of the engineering schools—even the engineering schools—find that their undergraduates are placed at the end of the studies, and very few summer jobs are available now for students who are in an intermediate phase.

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I find that the position of such people is very black, and of course they will go abroad, as you suggest, in order to get work. What else can they do? I think the position that we're in—only for the good reason that you can't raise taxes any more—is very critical, and we need a great number of new companies formed to take up the slack, take up the unemployment. One problem has been solved: There are plenty of good people, very good people.

I'm not sure we need a lot more government funding, but we certainly need a lot more access to seed capital to form companies. Perhaps that's the solution. We need to change the tax laws so that venture capital is taxed not as a business but as people who are trying to make capital gains. There is no real incentive for venture capitalists to put money into small companies these days.

Perhaps one suggestion I heard recently should be adopted. We should provide government grants to put skilled technical people inside the 35 or 40 venture capital companies that exist in Canada so they have more confidence towards making investments into small, high-technology companies. I thought that was a very positive thing. I'm sure if only \$15,000 or \$20,000 was provided to maybe the dozen venture capital companies, it would pick up such an idea. That would be quite enough.

Mr Grandmaître: I agree with you that it's not only government money. Again, going back to this partnership I alluded to—

The Chair: Thirty seconds.

Mr Grandmaître: Thirty seconds? I think a stronger partnership should be built between the government and your people and everybody else, because I think Canada is losing great scientists, great advantages, and we won't be able to maintain this competitiveness that we're all talking about if we keep losing our good people. Good luck to you.

Mr McLean: I'll be very brief. I have quite a cold this morning. The research and development that's being established in the town of Midland, the new research institute there—I don't know whether my colleague Mr Waters had mentioned that or not—are you aware of that?

Mr Roberts: I'm sorry, there was a bit of noise at the moment you mentioned it. Which institute?

Mr McLean: A new facility that has been announced for the town of Midland by the federal government. It's research and development for skills, high-tech. Are you aware of that?

Mr Roberts: No.

Mr Waters: Can I clarify?

Mr McLean: Yes.

Mr Waters: It's called the Industrial Research and Development Institute. It's an institute for research and development on moulds and dies, the basis of industry.

Mr Roberts: Yes.

Mr Waters: The federal, provincial and municipal governments and private enterprise came together to create it. It's the first, I believe, of its type in Canada.

Mr Roberts: I know what you're talking about. I met the president briefly in one of the many meetings I go to.

Mr McLean: So you are aware of it?

Mr Roberts: Yes.

Mr McLean: All right. What input do you feel you would have to make that project be a success in order to set some examples of projects that you would like to see initiated across the province?

Mr Roberts: I believe it's to do with mechanical engineering, and as you appreciate, I'm an electronics engineer. In the brief exposure I had to a presentation from the president of the institute, I'm not sure that it's directly related to what I'm involved with, so it's very hard for me to relate our research to some industry that is essentially an improvement program for mechanical engineering industries.

We are going off at a rate of knots towards fibre optics telecommunications using gallium arsenide, and such things are highly specialized. Our biggest problem with the mechanical engineering industry is the cost of tooling things. It seems to cost \$50,000 of tooling to produce the little cases and boxes. I can produce a printed circuit board or even, these days, an integrated circuit for \$5,000. If they ever get their costs down I would be able to put out more product. That would be my interest, but I never got a chance to pursue that with this man. He was giving a public presentation.

Mr McLean: I'd like to know from your experience: Do you think Canada is falling behind in the research we're doing compared to Germany and other countries in the world, such as Japan?

Mr Roberts: Yes. You only have to look at the number of patents that are taken out, for example, in a major centre like the United States patent office. I don't know what the percentage is, but I wouldn't mind believing we're in the 1% category. The Japanese are in the 20%, the Germans are in the 15% sort of category and our contribution to the world's knowledge of practical technology, which I presume patents are a good measure of, is desperately low.

Mr McLean: At one time, we were probably 10%.

Mr Roberts: Oh, probably 5% and going down past 1%. I'm guessing the figures, but our R&D level is reflecting in our high technology trade balance. We went from having a \$1-billion negative trade balance to a \$15-billion negative trade balance today in high technology goods, as another measure.

Mr McLean: Do you figure it's going to continue that route?

Mr Roberts: It probably will. In my industry, we've got a \$1.5-billion to \$2-billion trading balance. We export \$300 million, \$400 million-worth of product. We import, I think the figure is as high as \$2 billion during the boom years of microelectronic components, so it's very hard, because my industry is expanding so quickly. We'll be \$100-billion industry worldwide by the middle of the decade and the Canadian industry is only \$300 million. So the net effect of our industry is extremely small. That's why the central precept of my organization—its first statement of what its objectives are is to build the industry from \$300 million to \$1 billion, and that still means we'll have a \$2-billion trade deficit in microelectronics by the end of the decade even with that success, and that's a 20% growth rate that I'm talking about.

Mr McLean: So the overall trade deficit is going to increase.

Mr Roberts: That's right, and we need to cut down more trees to put it right, and wouldn't that be wonderful.

Mr McLean: Thank you. I wish you well.

The Chair: Thanks very much, Mr Roberts. You now have an opportunity for those closing remarks.

Mr Roberts: Obviously I've made such a lot of remarks that I feel embarrassed to make any more. I have very strong views. There are people I know—you probably are aware of a man called Denny Doyle who makes many public remarks on this subject. I listened to him. It was, I think, yesterday that he was saying we had a desperate and evil problem and he was thinking of retiring and going to the Bahamas with his millions.

I am probably Terry Matthews's oldest acquaintance or friend and, do you know, he's one of the people who has made a \$300-million industry grow from nothing—perhaps it's a \$700-million industry if you include Mitel—and his view of the situation is quite simple: There's no hope, except for him, unless we create people like him: people who create companies. Unless we create new companies, we will absolutely end up—well, Denny Doyle's presentation is called *Technology or Poverty*. Unless we develop the technology, the competitiveness, we will end up in

extreme poverty. That stand of forest you want to preserve will definitely be gone and it will be poverty in every sense—money, environment and maybe social disruption.

The Chair: I hope that message sinks in and I hope, in your role, you can reinforce it on frequent occasions. Thank you very much. Good luck.

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DOROTHY CHRISTIAN

The Chair: The next witness is Dorothy Christian. Ms Christian is here. Come forward, please. Ms Christian is the intended appointee as the chair of the Ontario Film Review Board. Would you like to have some opening comments, very briefly, or would you prefer to say something at the conclusion of your testimony?

Ms Dorothy Christian: I'd just like to say good morning, and thank you for having me here.

The Chair: Okay. Good morning, and thank you for being here. Your review was requested by the official opposition.

Mr Bradley: The first question I would like to deal with is I won't say the age-old question, but one which has occupied us for a long time and that is whether or not you see the film review board being a censor board or, in fact, a film review board, and do you perceive, with the direction that the new government would give in terms of general guidelines it provides for the film review board, a movement back to more censorship and less reviewing?

Ms Christian: I don't think that in this day and age, given all of the technology that's available to everyone, that censorship is the way to go. The board has moved towards more of a classification board in the last few years, during the time that I was a member, and I feel that will most likely be maintained. The board does still have the power, through the Theatres Act, to use its discretion, but the small percentage that is actually censored out of films is so small that it's hardly worth mentioning.

Mr Bradley: Because you have served on the board, have you had any indication that the direction to the board will be different? I have read certain statements of the Minister of Consumer and Commercial Relations, who has responsibility in the House for answering for the board, which would indicate she has personal concerns or government concerns—I'm not sure which; probably personal concerns in this case—about various things you would find within films.

I had the impression—and it could be a wrong impression, to be fair to Ms Churley—that we may be seeing some censorship coming into play which would be contrary to what the intellectual pillars of the NDP used to present in this committee—Jim Renwick and Pat Lawlor, who used to present to this committee. They used to make some excellent, compelling arguments in their day against the censor board, as it was then. Do you see, as a result of the minister's statements, which obviously you would follow with interest, a potential for moving to more censorship—the scissors?

Ms Christian: I don't think so. I've had discussions with the minister about my assuming this position, and she

hasn't, in any way, indicated to me a move in that direction. We have had discussions about the public-appointed board, the fact that we are representatives from various communities, that the members are representatives from various communities throughout the province and that the direction would come from them.

Mr Bradley: You have four basic categories, of family, parental guidance, adult accompaniment and restricted. I heard the minister or saw the minister saying now that perhaps they'll be labelling certain films as racist and some others as sexist. It's a very hard question, I guess, to get at. How would we define a racist or a sexist film?

Ms Christian: I think that was a very unfortunate misunderstanding or misquoting in terms of the discussions that we had with various members of the media, because what we were both talking about was raising of consciousness in terms of racism and sexism, not "censoring" racism and/or sexism. If that was the case, we'd be eliminating each film, in terms of sexism, anyway.

Mr Bradley: The board and the government and all of us are now receiving more representations from people who in the past were not heard on the issue of censorship. It must be difficult for some of them who, in the past, as I say, have been very much in favour of no censorship and only classification, who now have come to some conclusions that perhaps what is being shown in videos and theatres is having an influence on the way people behave in society. Does the board have some extensive studies which would indicate whether, for instance, violence and pornography and racism as portrayed in films in fact are having an influence on a significant segment of society?

Ms Christian: I know that during the time I was there as a member, various studies were given to us as members to apprise ourselves on so that we were aware of what was the latest in terms of the study of pornography and its effects.

Mr Bradley: Would the board be under your direction? I understand it's an entire board and it's unfair to say only the chair can make these decisions, but would you have plans to have further studies conducted on whether what people see in films and in videos is increasing crime or increasing unacceptable behaviour on the part of people? Would you plan to be doing that?

Ms Christian: I don't believe that's within the mandate of the board.

Mr Bradley: But I'm just saying you could recommend it. I'm wondering whether you'd be thinking of recommending such further studies.

Ms Christian: Of course. The more information that people have, the better, I believe, so that they can make informed judgements.

Mr Bradley: Thanks.

Mr Grandmaître: How much time? About five minutes?

The Chair: Four or five minutes.

Mr Grandmaître: Four or five minutes? I'm glad that you highlighted that you are a classification board. I'm glad

of this because this has been a question on everybody's mind: Is it a censorship board or a classification board?

Going back to your responsibility for classification of these films, the board is required to refer to community standards and yet the Theatres Act doesn't offer any guidance on community standards. What are your thoughts on community standards? Where and how do you define them? You know what I mean.

Ms Christian: Good question. The Supreme Court of Canada can't give a good definition on community standards. The way I would perceive it or refer to it, I guess, is that I would have to have faith in the board members who are on the board and feel that they will be representing their various communities, and in the discussions that happen with each film when they are classified, that those community standards would be reflected.

Mr Grandmaître: But when you say people on the board, don't forget there are only, what, five? Is it five people?

Mr Bradley: Five permanent.

Mr Grandmaître: Five permanent, I'm sorry. The more the merrier. I agree with you, but again, if we can't find a definition or an explanation for community standards, does that mean the 25 or 30 people on the board are speaking for Ontario?

Ms Christian: I think in that sense we would have to rely on the people of Ontario. If they don't like what they see is happening, they would have to step forward and voice their concerns to the board and to the ministry and to the government generally.

Mr Grandmaître: But aren't you responsible for reviewing these films before they are shown?

Ms Christian: Yes.

Mr Grandmaître: So it would be too late if you were to get the response from the public.

Ms Christian: I would hope that the people of Ontario, through the members who are appointed to the board, would voice their concerns to the various people in the regions, and I would encourage people to find out who the members are.

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Mr Grandmaître: There's a very interesting statistic here. In 1990-1991 the board reviewed close to 2,000 motion pictures or videos; 5% received a family classification, 35% parental guidance, 25% adult classification, and 32% restricted classification. What's happening to the family classification? I shouldn't say the "family classification." What's happening with the industry for not providing a larger category or a larger number of family films? You're going to tell me, "Well, they're not popular." Is that why?

Ms Christian: They don't make money.

Mr Grandmaître: What I'm getting at is—

The Chair: A brief response to that, because the time is up. Can we have a brief response to that question, please? Is that it, they don't make money?

Ms Christian: That's the bottom line, isn't it? It's the industry, and the industry is obviously geared to profit. If family pictures don't make dollars for them, they aren't going to produce them.

Mr Grandmaitre: So we are going to see more restricted films, explicit sex, because there's money in it.

Mr McLean: I wanted to start out by getting a clarification with regard to your work history. From 1991 to September 1992 you were in British Columbia, is that right?

Ms Christian: No.

Mr McLean: That's not right?

Ms Christian: No.

Mr McLean: Okay. That was the information provided.

Ms Christian: It said that I have been reporting to that centre in British Columbia. I've been working with them, but I've been located here in Ontario.

Mr McLean: What years have you been on the board?

Ms Christian: From 1987 to April 1992.

Mr McLean: The part that bothers me a bit is with regard to the review of the films. Many years ago we had a committee that went to the review board and I had occasion to look at some of the films there. It was shocking, I thought, in a lot of cases. You indicated, when you were interviewed in September by the Toronto Sun, that you want the 17-member review board to watch for racist content and warn viewers of what may offend some people. How do you determine what is a racist content?

Ms Christian: First of all, let me say that this interview was not written in the way that I had the discussion with the young woman. What I said was that there was an information piece, "May offend some," which could be a blanket information piece which would cover any racist content that may offend people. I wasn't implying that this should be a separate information piece. In terms of defining racism, when you are a person of colour and you're sitting there and your stomach turns, that's usually a pretty good indication that there's racist content in the film.

Mr McLean: You indicate that you're no Mary Brown. I understand you were not too pleased with the way Robert Payne operated. You thought that he was a little liberal in his ways. Are you going to try and be in between those two?

Ms Christian: I don't know where you got the information that I wasn't pleased with the way Robert worked, because that's absolutely untrue. I was a member during the time that Robert was chair. I supported him and will continue to in the work that he did because I feel that we did a good job while I was a member and while he was chair.

Mr McLean: So you will continue along much the same lines as in the past. Regarding the structure of the board, and you'll be chair of the board now, do you feel that the board is made up of enough different people from the communities that it is an overall perspective of the population that's represented?

Ms Christian: No. I've actually had discussions with the minister's office about this and have made a request that more men be appointed.

Mr McLean: What is the makeup of the board now? Is it female—

Ms Christian: I'm not entirely sure. I know that there are 21 and when I left in April, the composition was changing, so I don't know what it is right now. I haven't gone into the office or anything. I didn't feel that I should do that until I actually went through this process.

Mr McLean: I'm not sure who said it, whether it was the minister or who it was, who said there should be labels on some of these film tapes. Do you agree with that?

Ms Christian: I think that there was a misunderstanding in that. What we were both talking about were information pieces and those already exist. The term was just referred to differently in the media. They were information pieces that already exist.

Mr McLean: Are the police still making seizures now?

Ms Christian: I don't know that. I haven't been in the board since April, so I would have to wait until I get there.

Mr McLean: I think that's all I have, Mr Chair.

The Chair: Mr Cooper and then Ms Carter.

Mr Mike Cooper (Kitchener-Wilmot): Just one brief question. Right now there seems to be a bit of a jurisdictional problem. I'm sure you're aware of Project P, which is a joint venture by the OPP and the Metropolitan Toronto Police Force anti-pornography squad. It seems that the board's been okaying some films and then the police are going into the video stores and raiding them. Whose jurisdiction do you think it should be ultimately, the review board or the police's, to try to enforce community standards?

Ms Christian: It would have to be the police because we don't have the manpower or person power to enforce—

Mr Cooper: That's what I'm wondering. If you're reviewing the films and saying they're okay according to community standards and the police are going in and raiding these video store owners who think they're okay to rent out the videos, what do you think the solution is: a better rating system or ultimately let the courts decide?

Ms Christian: I think there needs to be a system or a process put in place in terms of the actual availability or accessibility to the videos that are available to people. I also feel that people in their own homes need to exercise some responsibility in terms of what their children see and not see.

Mr Cooper: So basically you're saying, once it's reviewed and okayed it should be okay for the community and the police shouldn't be coming in and basically censoring.

Ms Christian: The police also have their role to play. If there is contraband material out there, yes, I believe they should seize that.

Mr Cooper: But you feel if it's okayed by the Film Review Board, the police shouldn't be stepping in.

Ms Christian: I'm not going to take Bill McCormack on, that's for sure. They have their job to do and we have ours to do.

Mr Cooper: I just understand there's some apprehension out there with the video store owners on this issue and I was trying to find if there was a compromise or a solution that you might have.

Ms Carter: Following up from that point, I think the issue as between the board and the police is that the board has been tending to allow more sexually explicit material, feeling that's in line with community standards as they change, and the police are not quite at the same point in interpreting that, so that they are in fact seizing videos and so on which have been passed by the board, not just ones which are in fact illegal.

Ms Christian: I would have to update myself on what's happened there. I'm not completely aware of all of the details, but the last that I heard actually was that much of the material that the police were seizing was contraband material. During this flurry of activity that I had with the press when my nomination was made, I also had one of the press people tell me that one of the police seizures was actually set up by a video owner himself just for the attention, and his business went up.

Ms Carter: I see. Maybe you know more about that than we do, but what I really wanted to ask was, of course, the sexually explicit stuff on the one hand—there's violence and it seems to me we haven't really discussed that issue. I think a lot of us would probably agree that although we have in the past been more sensitive to sexual explicitness, we're coming more and more to feel that the violence is maybe the real problem, especially when sex and violence go together. What is your feeling about that? Do you see violence in film as a problem, and what do you think can be done about that?

1130

Ms Christian: Yes, I see violence in films as a problem. It's a difficult question to answer because all we can do, I think, as the board is to continue to provide information to the public, to give them information that allows them to choose whether they want to see the films or whether they will allow their children to see the films. We don't have a lot of control over the industry.

Ms Carter: Of course, if you're based on community standards, what happens if community standards become very tolerant towards violence? Do you see that as a possible scenario?

Ms Christian: No, I don't. We have to rely on the people in the judicial system in terms of how they determine what violence in film is and community standards, because what the Supreme Court has stated or determined what community standards are in terms of obscenity guides how the judgements are made.

Mr Waters: I have a couple of questions. One has to do with video rental outlets and machines. How do you think we should address the problem with children having access to restricted movies or adult sex films, whatever,

with these machines? Do you see any way of dealing with that problem, or in the video outlet stores?

Ms Christian: The machines are difficult, but I know that some of the video outlets already have a process in place where they actually require a parent's signature for children and ask for their ages. But I believe that's where it's got to be. The video outlets have got to have a process in place, working together with parents.

Mr Waters: As a reformed smoker, I guess I have a problem with parents' signatures. You know, the neighbour next door, the kid who's two years older than you, signs, and how does the person at the video store know what the age is?

Mr Bradley: Are you saying you did this?

Mr Waters: I'm no different than you, Mr Bradley.

Mr Bradley: I'm obviously different in that way. I never had anything to do with those things.

Mr Waters: I think kids are very creative. So you don't see any way that we could set up a screening system where indeed you can just say that no children under 15 or 16, or whatever age, an arbitrary age, would be allowed to purchase or rent one of these movies for any reason? You're not in favour of that type of thing? You don't see the possibility of setting up something that would be more stringent, I guess?

Ms Christian: I'd have to look at the information more thoroughly, and talk to the board about it as well, before I'd make any recommendations like that.

Mr Waters: Okay. I think we all recognize that the board is constantly evolving and reacting to society and I think we all support very much that the board has to be that way. It cannot be a stagnant board; it has to evolve as society wishes. I guess my final question would be, do you feel that the board is a reflection of the majority of the people of Ontario and their wishes in the review process or categorization of films or how they deal with it?

Ms Christian: When I was there, I felt it was a good reflection of Ontario. That was one of the things I actually enjoyed, being able to interact with people from all different walks of life and different areas. My understanding is that there is a whole new board now since I left in April and that there has been a concerted effort to get representation from all communities as well as regional locations.

Mr Waters: If you could do one thing to put your stamp on the board, what would it be, if you had only one?

Ms Christian: One thing?

Mr Waters: Just out of curiosity.

The Chair: Time's up.

Mr Waters: That's a tough question. I'll remember never to ask that question again.

Mr Bradley: You have to ask it the way you ask ministers a question: You give them the question first.

Mr Waters: It's okay. I just wondered if there was any particular thing you wanted to deal with, that was all.

The Chair: Thank you, Mr Waters. Ms Christian, that concludes the interview. I can still give you an extra 30 seconds if you want to respond to Mr Waters's question. In

any event, you've got a challenging and interesting appointment and, I'm sure, some intriguing times ahead. We wish you well. Thank you for appearing here.

TERRENCE GLEN MURPHY

The Chair: The final witness this morning is Terrence Murphy, an intended appointee as the vice-chair of the Assessment Review Board. Mr Murphy, welcome and good morning. Do you have anything you'd like to say before we begin the review process?

Mr Terrence Glen Murphy: No, I do not.

The Chair: All right. I'll look to Mr Grandmaître to begin the questioning.

Mr Grandmaître: Let's talk about market value assessment. Market value, as you know, was a dream of not this government, but back in 1971, if I'm not mistaken, a dream of Darcy McKeough. At that time, within the next five to seven years, every municipality in Ontario was supposed to be under market value assessment.

I can recall that when I was the Minister of Revenue, close to 650 municipalities had some kind of market value assessment. But now it seems that the rest of the municipalities are very reluctant to introduce market value assessment. By being reluctant, it means that the number of appeals are for ever increasing, and that keeps you people and everybody else very busy.

Do you think that it's time we should review section 63 or section 70 of the Assessment Act?

Mr Murphy: I don't really think I can answer that directly. As you're aware, section 70 is at full market value, which allows for tax shifts on most classes of properties. Section 63 is a reassessment program, but it's within certain classes of property and there's no tax shift, the intent being to equalize the taxes among the various classes of property.

Mr Grandmaître: But it's creating—I'll give you an example: I don't have to remind you of what Metro is going through at the present time with market value assessment, and also the Ottawa-Carleton area. But now that these printouts are out in the open and it's a public document and I know exactly what I'm paying and can also find out what my neighbour is paying, don't you think that by releasing these printouts publicly we're creating or asking for more appeals?

Mr Murphy: As a result of releasing the information, the board would anticipate that it will be receiving more appeals on that basis. But, once again, I believe it's really up to the elected representatives of the municipality whether they wish to proceed or not.

1140

Mr Grandmaître: I realize that. I realize that the ministry needs some kind of resolution, a commitment on behalf of the municipality, before market value assessment or a review is done. But given the fact that it's not costing municipal government one penny to have these reviews done and that they become public documents and people find out that they've been paying more than their fair share of municipal or school taxes, don't you think we're asking for trouble?

Mr Murphy: I can't really speak to that from the board's point of view.

Mr Grandmaître: No, I'm not asking you to give Mr Rae or the Minister of Revenue—I'm asking for your views, your thoughts, because when I look at your background, God, with your experience, you can offer this government and every mayor in Ontario some valuable experience. I'm not asking you to downgrade the government or the minister or the ministry; I'm asking for your views, because I'm concerned that market value assessment will never be a success in this province.

Mr Murphy: I can't speak to that either.

Mr Grandmaître: God, what can you speak to?

Mr Murphy: You're asking me to design government policy, and I'm sure I'm not in a position to do that. My concern is from the board's point of view; it is my prime concern. The legislation is there; the municipalities have the choice of either going or not going. They can also go region-wide, as is probably occurring in your area, as I understand.

Mr Grandmaître: Yes.

Mr Murphy: We anticipate a great number of complaints from that area as well. But I can't speak to the policy of whether reassessment should be there. Municipal taxation, as everybody's well aware, has been a subject of many discussions and many reviews over the years, and we're still existing underneath the same system that's been in operation.

Mr Grandmaître: That's what I'm getting at: We're still operating under 63 and 70, and it's not acceptable. Maybe it was acceptable in 1971, but not in 1992, and this is why I'm asking you if you think it's time for this government, or the next government, to change those sections.

Mr Murphy: I'll be quite frank. I've never really thought about that too much. We've been too busy dealing with the present ones to worry about what should be.

Mr Grandmaître: You're too busy with appeals.

Mr Murphy: Yes, that's right.

Mr Grandmaître: That's because the system isn't working.

Mr Murphy: That's maybe only one part of it. I'm sure economic times have something to do with the matters of appeals coming before us and the increases in taxation across the province, but I really can't speak to that.

Mr Grandmaître: God, I'm looking for a question that you can give me an answer to. Do you think the number of appeals has increased in the last three years?

Mr Murphy: Yes, they have increased.

Mr Grandmaître: Why?

Mr Murphy: You have to remember that underneath the market value system, and specifically sections 63 and 70, there is a four-year cycle going on. What transpires is that normally in the year of return there's a high volume of complaints, because the valuation shown on a notice sent out to the individual can cause some concern because he is not really aware of how much it's going to cost him in tax dollars. Therefore, they will file that complaint in the first

instance. Normally, after the first year of that, it starts to drop back to its normal procedure. Of course, some people are chronic complainers who file every year.

Mr Grandmaître: With the Fair Tax Commission that's in place now, they're looking at school taxes and municipal taxes and just about every tax: 63 of them. They might be introducing 63 new taxes. Let's hope not. But I still say you people should have an input in this Fair Tax Commission. You should have an input for the simple reason that 45% or 40% of municipal taxes are in place because you people are saying, "You qualify for this much," and you put a stamp on that, on municipal and school taxes. I think the system should be changed and you're telling me, "I'm not in a position to change it." I'm saying you should have input in those changes.

Mr Murphy: Yes, I agree. We probably should have some input into the Fair Tax Commission, with regard to property taxation, in any event.

Mr Grandmaître: God, you're a tough one, you know. Do you believe in market value assessment?

Mr Murphy: That's a nice, dicey question.

Mr Marchese: Rephrase your question.

Mr Murphy: Would you like to define what you mean by fair?

Mr Grandmaître: Well, you're the assessment review people. You're the judges, the ones to say, "This is fair," and "This is not fair," and now you're asking me to be the judge. You sit on the board.

Mr Murphy: But you asked me about market value. All I said was, what's your definition of fair market value? Everybody has a different interpretation. As you know, market value as it was intended at one time was full market value, I believe under Mr McKeough. However, that would result in tax shifts among the different classes of properties, and that's the reason he introduced what is now referred to as section 63, at least in the Revised Statutes of Ontario, 1980, which is reassessment within classes of property and no tax shift. If I'm to believe the Metro media coverage, there's a great discrepancy in the various municipalities in Metro Toronto, but my knowledge is only as to what I read in the newspaper.

The Chair: We'll have to move on.

Mr Grandmaître: Good luck to you.

Mr McLean: How many years ago is it since you lived in Kenora?

Mr Murphy: Quite a while, back in the late 1950s.

Mr McLean: Were you born and raised in Kenora?

Mr Murphy: Yes, I was.

Mr McLean: So you know the north pretty well. I spent a fair bit of time as municipal clerk-administrator, and you've been involved in politics for many years.

Mr Murphy: Politics? Well—

Mr McLean: Well, it shows today. What's your definition of fair market value?

Mr Grandmaître: He said he didn't know.

Mr Murphy: I'll stick with the safe answer: It's what a willing buyer will give a willing seller, market value.

Mr McLean: I had a couple of questions, but they're slow coming around to me today. The people who get a rebate are getting their taxes lowered because of market value. Do you get many appeals from them?

Mr Murphy: From people who do get a rebate, you mean? No, usually the matter, once it's before the board and finally resolved—as you know, there is another higher tribunal, the Ontario Municipal Board, which gives a final decision which is binding—and if there's no change in circumstances, then that assessment, by either our board or by the Ontario Municipal Board, remains until there's a change in circumstances.

Mr McLean: It's always intrigued me that people getting their taxes raised are always very upset and the ones who are getting them lowered never say a word, yet it's the ones getting them lowered who should be upset because they've been paying the freight for the others.

Mr Murphy: That would appear to be the situation, yes.

Mr McLean: You'd agree with that statement?

Mr Murphy: Yes. I'd probably expand upon it, if you want to talk about Metro Toronto reassessment, in that with the media coverage that has gone out on the fact that any property owner can go to the regional assessment office, to the municipality or his elected representative of the municipality and obtain the market value, it would create a problem for this board in the sense that if they do not proceed with market value assessment, we would anticipate that the people who are entitled to a decrease under market value assessment will then subsequently file an appeal to the board.

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Mr McLean: Are you going to get paid for sitting on this board?

Mr Murphy: I'm classified as a civil servant, yes.

Mr McLean: So your pay will go on regardless of whether you're acting on the board or where you are, right?

Mr Murphy: Yes.

Mr McLean: You don't get any extra?

Mr Murphy: No. Just normal civil service procedure.

Mr McLean: When do you plan on retiring?

Mr Murphy: If you want an honest answer, the day after Metro goes market value, maybe.

Mr McLean: I wish you well.

Mr Marchese: Some quick questions. I understand that it says under section 5 of the act that a quorum is one member.

Mr Murphy: That's correct.

Mr Marchese: And there are 60 members.

Mr Murphy: Approximately, yes.

Mr Marchese: It's an unusual quorum rule. I've never seen any quorum that says one is enough to have a meeting. Isn't that unusual?

Mr Murphy: Not necessarily. We've operated under the act since its inception, some 20 years.

Mr Marchese: Yes, but what it means is that you could have a meeting of five people, because one is sufficient for a quorum, and you have a meeting of potentially only a fifth of the people who are there.

Mr Murphy: No, the intention of the quorum is that it only takes one member of the board to hear a matter. The parties to the actual hearing are identified in the legislation and include the regional assessment commissioner.

Mr Marchese: I see, that's clear now. I misunderstood the intent of what quorum meant in relation to what.

One of the problems we've noticed in our community, in the riding of Fort York, is that a lot of people complain about the fact that they do renovations to their homes, which makes their home a better place, and they put money into the economy by spending, and then the potential for reassessment comes along which says, "For beautifying your home and for contributing to the economy, we're going to increase your taxes on the home." A lot of home owners find that a very bizarre thing. Do you have an opinion on that?

Mr Murphy: Not an opinion. It's a fact that it is considered to increase the market value of your property by improving it, and I believe the legislation—there is usually no alteration in the assessed value unless you were to improve the property where it increased the value by at least \$5,000 or more.

Mr Marchese: But you see the difficulty. People are saying, "Why should I spend money if my taxes are going to go up?" It almost eliminates the incentive for people to improve it, to let it run down, because if I improve it I will be taxed at a higher rate.

Mr Murphy: That's true, but unfortunately, that's a part of the system. The same thing could be said—you could be living beside somebody who lets his house run down, but his value will not change either.

Mr Marchese: Let me ask you another question about taxation. The present market value assessment scheme that has been done for Metropolitan Toronto is based on 1988 values. One of the complaints that raises is that it was done at the peak of market value, in Toronto in particular and I suspect Metropolitan Toronto. Market value of homes has dropped considerably. Does that create a problem in terms of what they're doing in basing it on 1988 versus the present value of homes? Does that shifting create problems in terms of taxation of homes?

Mr Murphy: Not from my point of view; it would not, no.

Mr Marchese: Could you expand a little bit?

Mr Murphy: Whatever the base year is, the idea is that all properties be assessed equitably; therefore, if everybody is assessed on the base year 1988, it's all relative. If you based it on 1990 it would be relative, so long as they're assessed in the same manner. What the base year is would not matter because all properties would lose value equivalently.

Mr Marchese: Or increase in value?

Mr Murphy: In other words, what your house would be worth in 1988 is what it's worth in 1992. Everybody else's house is in the same situation. So the basis of assessment would be the same, except that the figure shown on a piece of paper would be different.

Mr Marchese: You were commenting on the media saying something and you were expressing a contrary view. I couldn't quite understand. What is the media saying that you think is wrong?

Mr Murphy: Oh no, not what's wrong. What I'm saying is that due to the media coverage of reassessment in Metro Toronto, it will probably create a problem for the board in the sense that more people will be filing an appeal if you don't go to market value in Metro, because everybody has access to that information. For people who are entitled to a reduction under market value, if Metro fails to proceed with market value, it will probably result in those people filing appeals with us.

Mr Marchese: But if they file an appeal and they have a good case—

Mr Murphy: Oh no, we don't consider that a problem. What we consider the problem is that—I forget what the figure is—60% or something of properties are supposed to go down, I believe.

Mr Marchese: It varies in different ridings, of course.

Mr Murphy: Yes. We would anticipate that all those people will probably come before us, or try to come before us, because of the high percentage, especially the residential area anyway.

Mr Tony Rizzo (Oakwood): I have only a couple of questions. If market value assessment is going to be passed, then for those who are going to be paying more, is there an alternative for them to get the assessment review for any reason at all?

Mr Murphy: I really can't say on that. They would have to come before the board and put forth their argument as to why.

Mr Rizzo: If, instead, the new law is not going to be passed and people who are now being assessed, for example, \$2,000 against \$3,000 that they were assessed previously come in front of your board, will you reduce the assessment to \$2,000?

Mr Murphy: No, not necessarily. I really can't say yes, no or maybe. It would depend entirely on the argument put forth and the evidence by all the parties to the matter.

Mr Rizzo: One case, my personal case: I have been assessed at \$7,000 under the old assessment. Now I'll be assessed at \$4,500. This would mean a saving. If market value assessment is not going to be passed, do I have any recourse to you? Can I say, "Listen, under this new assessment now, even if it has not been passed, I am entitled to a refund or to a reduced assessment"?

Mr Murphy: No. You would have to prove to the board that you are assessed inequitably with similar properties within your own vicinity.

Mr Rizzo: So the old way of assessing would be used and whatever style that's been done from 1988 wouldn't count at all?

Mr Murphy: Not really. It's on a basis of what the assessment is at the time that you're appealing it, and the board would have to have—

Mr Rizzo: Why, then, do you expect a lot of appeals if market value assessment is going to be passed?

Mr Murphy: I would anticipate it on a basis that as you have just explained to me, your assessment would go from \$7,000 to \$4,500, if I remember correctly. In that case, you would be more likely to appeal than not to appeal, even if you're not successful, because the average taxpayer out there would certainly like to have his day before the board and argue the fact that his assessment is still where it is.

Mr Marchese: The problem is case load. Is what you're saying.

Mr Murphy: Yes, it's case load.

Mr Rizzo: Why would I appeal if I get a reduction in assessment?

Mr Murphy: No. I say if you don't get the reduction in assessment.

Mr Rizzo: If I don't get it. Oh, I see.

Mr Waters: I have a couple of quick ones. Because I already have market value assessment I'm not really concerned about it; it's "Welcome aboard" the rest of the province. I'd like to know, in the reorganization of the board, and I understand that this position came out of that reorganization, what your responsibilities will be?

Mr Murphy: Primarily in training and development. The board in the past has been fortunate in the sense that the backbone of the board is really the part-time members. The majority of the members are and have been with us

for a number of years and usually have a background in assessment or evaluation of properties, such as appraisers, real estate people, insurance people, who have that background.

In those days the appointments were at pleasure. The board has been faced in the last few years with the understanding that the appointment is a three-year term, with one renewable, to the best of our knowledge, which means that the best we can get out of a member is approximately six years. That means the board now has to establish a training program to bring these people on, and we have to keep in line with the government policy on employment equity and make sure that the board is representative of the people across the province.

Therefore, the skills we would normally look for in the area of assessment, evaluation, are not as required now and we are reaching out into other areas where people have other skills but do not have assessment-related skills for the evaluation of property. What we're developing is a training program that will give them that information.

Mr Waters: Good. And—

The Chair: I'm sorry. We're well over. Mr Murphy, thank you very much for your appearance here today. I wish you well.

Mr Murphy: Thank you.

The Chair: The final matter on our agenda is the determination of whether or not the committee concurs. We can deal with them all in one motion, and I suspect we will.

Mr Waters: I would move that.

The Chair: Moved by Mr Waters. Any discussion? All in favour? Opposed? Motion carried. Meeting adjourned.

The committee adjourned at 1202.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

- ***Chair / Président:** Runciman, Robert W. (Leeds-Grenville PC)
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 - Wiseman, Jim (Durham West/-Ouest ND)

Substitutions / Membres remplaçants:

- *Cooper, Mike (Kitchener-Wilmot ND) for Mr Ferguson
- *Rizzo, Tony (Oakwood ND) for Mr Wiseman

*In attendance / présents

Clerk / Greffier: Arnott, Douglas

Staff / Personnel: Pond, David, research officer, Legislative Research Service



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Journal des débats (Hansard)

Mercredi 14 octobre 1992

Standing committee on government agencies

Appointments review

Comité permanent des organismes gouvernementaux

Révision des nominations

Chair: Robert W. Runciman
Clerk: Douglas Arnott

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Greffier : Douglas Arnott



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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 14 October 1992

The committee met at 1010 in room 228.

APPOINTMENTS REVIEW

Consideration of intended appointments.

EMILIO S. BINAVINCE

The Chair (Mr Robert W. Runciman): Come to order. The first matter on the agenda this morning is a half-hour review of an intended appointee as a member of the board of inquiry under the Police Services Act of Emilio Binavince. Sir, would you like to come forward and take a seat, please. Welcome to the committee. Any brief comments before we begin the questioning?

Mr Emilio S. Binavince: Good morning, Mr Chairman and members of the committee. I understand you have received some material already, and presumably you have studied that. I do not really have any statement to make. I think I would like to answer any questions you may have.

The Chair: All right, fine. We'll begin with Mr Grandmaître.

Mr Bernard Grandmaître (Ottawa East): Thank you, Mr Chair, and good morning, sir. How familiar are you with the board of inquiry?

Mr Binavince: As familiar as one can make oneself, I suppose. It's just recently been organized. I have attended a training session. In terms of representation that involves the work of this inquiry, I have represented the police association in Ottawa for a number of years. I know more or less the work of those people, I guess.

Mr Grandmaître: These changes or amendments were brought on because of a report that was asked for by the Premier and other people. Do you think minority groups have not been well served by the police board of inquiry in the past? Do you think amendments are needed?

Mr Binavince: I have not directed my mind to the issue you're asking at this time. I think that's probably a more appropriate field for politicians rather than for me, who is going to assume the office of a board member.

Mr Grandmaître: At the present time, not only the Metro police force but others have joined in protest of some of those amendments, and disciplinary action will be taken, I'm told, or as far as the media are concerned. How will you view these disciplinary actions when they come before your board?

Mr Binavince: The way I understand it, what's happening now is a problem that is more appropriate for legislative and political consideration. I do not think it's appropriate for me to express an opinion on it one way or the other because of the likelihood that some of these issues might come before this board. It will at least create a question of impartiality and objectivity and so on.

The way I look at the function of the board is that the Legislature and the government give it the rules. Somebody brings to us a controversy and we put fairness, objectivity and a desire to reach a just decision, and that is probably all we can do. We accept the rules as given to us. I do not really think that the function of the board is such that we should influence the making of rules.

Mr Grandmaître: So what you're telling me is that you're not on the board to make new rules, but to respect the rules in place.

Mr Binavince: That's right.

Mr Grandmaître: Would you view cases involving allegations of racial discrimination any differently?

Mr Binavince: If I were presiding on a case in which an allegation of racial discrimination was made, let's say by a complainant, I would not view it any differently from any other kind of allegation of police misdeeds. I feel that I have probably a greater insight or sensitivity into racial problems than many of us who have not gone any deeper than the skin and would probably be able to contribute a lot better in the consideration of the issues that are involved for the board.

But I can tell you that I am not biased towards anybody. It's not my job to be biased. I do not represent the police, the complainant or the municipalities by being with the board. The function of the board is to make just decisions; that's what I intend to do.

Mr Grandmaître: I suppose the controversy created by one of the amendments is that a police officer has to put in a report every time he draws his gun in public. What are your thoughts on that amendment?

Mr Binavince: Again, I'm very sorry, Mr Chairman. In relation to changes in the law, I would have difficulty responding as a nominee to this board. If I were to express an opinion as a lawyer, and were asked by this committee to do so, I'd be pleased to give my opinion, or even as a member of the public. But I do not feel that I have the freedom to express an opinion publicly one way or the other, because some of these issues might likely come before the board and it would simply be improper for me to express an opinion at this time. One can make his decision a vehicle of expressing views relating to such kinds of questions, but even there, probably it's not a proper place to put one's opinion.

Mr Grandmaître: Some police forces are saying that these amendments are not all that bad except that our police forces in the province of Ontario have not been used to operating that way. Most of them are saying, "We haven't been trained to operate under these amendments or rules." Do you think we're putting the cart before the horse? Don't you think we should be training our people to reflect those amendments, those changes?

Mr Binavince: Those amendments might very well be an improvement of the current system. It may very well be that there is a need for education of the police force and there may be a lot more need than simply training them. I have my personal views on that and I cannot express them to you today because I'm not really here to respond with my personal views on those issues which are, in my way of thinking, irrelevant for consideration in my function as a board member.

Mr Grandmaître: A good answer. I want to go back. Being a member of a minority group in this province, how do you feel—because I belong to one of those minorities—about police in general in the province of Ontario towards visible minorities or minorities in general?

Mr Binavince: I think there is a very honest and strong effort on every part of the institutions, including the police, to improve relationships with the community and towards the various races in this country. I have said on other occasions that probably the dominant problem of Canada in this decade and in the coming century will be racial and ethnic conflict, and everybody realizes that.

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There's an honest attempt by everyone to resolve those conflicts. This board is one of the more civilized institutions to resolve this conflict, so you are not going to send a message on the street that the only way the minorities can resolve their problems is by violence. Here is a peaceful, civilized way of resolving, and I think there is an honest attempt in government institutions today to do that, and hopefully we will be able to do our job properly.

Mr Grandmaître: Some people are claiming that our immigration laws are too lax and that this may be the cause of a lot of our unrest. Do you agree with these people?

Mr Binavince: At the risk of inviting some problems, I can tell you that I appeared before the House committee as well as the legislative committee of the Parliament of Canada offering our views as to what kind of amendments should be made to the Immigration Act. I don't think those kinds of views are going to have any impact on the work I'm going to do before the board of inquiry; that's a different level of policy. All we can do is help them come up with a wiser decision, one that's responsive to the country, and we can probably differ on views on those issues. I have my views on that, and I can express them to you outside, Mr Chairman, but apart from what I'm supposed to be doing today.

Mr Grandmaître: I think your decisions will be wise, as you are a wise man. Good luck to you.

Mr Binavince: Thank you very much.

Mr Allan K. McLean (Simcoe East): How many people are on the board of inquiry, and what is its makeup? Do you have any idea?

Mr Binavince: I don't know exactly, but my understanding is there are approximately 120. There are part-time vice-chairmen. There's a chair, and it's Nora Sanders this year. I'm not exactly sure how many there are.

Mr McLean: How many are needed to hold an inquiry?

Mr Binavince: You would require three members: one who would be the presiding officer, one representative from the police association and one representative from the municipality.

Mr McLean: Do you have any idea how many inquiries were held last year?

Mr Binavince: My understanding is that the inquiries that were held last year have all been held only in the Toronto area, because that's where the act was originally, on an experimental basis, functioning. I don't really know how many were held.

Mr McLean: Do you think the Lewis report will have any effect on the amount of inquiries that there will be?

Mr Binavince: You are referring to Mr Stephen Lewis's report?

Mr McLean: Yes.

Mr Binavince: It may deliver some degree of awareness to those who think they have a problem with the police to come forward. I think this is more an issue of reaching out to the community, that they have a forum now established and they are free to come forward. I don't know the degree of outreach that the various institutions are doing in order to bring this to the attention of the public.

Mr McLean: Are there any police officers on that board of inquiry?

Mr Binavince: Are there any police officers? I am not sure whether there are any, but my understanding is that with the nominees from the police association—I was in the training session and met a number of them, but I never really asked whether they were from police forces originally—especially in relation to inquiries that involve the chief of police, it's most likely that there will be somebody.

Mr McLean: How much time do you anticipate spending dealing with what you're being asked to do?

Mr Binavince: I think that's totally driven by the amount of work that will come to the board. If the public perceives this board as a useful vehicle in the redress of their grievances and the police look at it as an objective mechanism of resolving functions, I think it will become a very popular one; there might be a lot of work. But if we do not send that kind of image to the police as well as to the public, I'm not so sure whether we'll make a very great impact.

Mr McLean: How much is the per diem for the board?

Mr Binavince: My understanding is around \$293 a day.

Mr McLean: Plus expenses?

Mr Binavince: Plus expenses, yes.

Mr McLean: Boy, a lot more than a farmer makes.

Mr Binavince: I can tell you that people like me who come and serve on this board are not there for the money.

Mr McLean: Okay. I was only kidding. You want to talk, referring to farmers—

Mr Grandmaître: Farmers make this much an hour.

Mr McLean: I know. I had another question. It escapes me at the present time. Regarding the position, did you apply or were you asked if you would sit on the board?

Mr Binavince: I applied voluntarily. Nobody asked me.

Mr McLean: Great. I'm glad of your interest and I wish you well.

Mr Binavince: Thank you very much.

Mr Rosario Marchese (Fort York): I just have one question, which M. Grandmaître raised, and I wanted to ask it again, because although I understand your reservations in terms of making comments on some of these things, I don't think you necessarily need to be completely reserved on the issue.

If we pass a law that says whenever a policeman is involved in a situation where he has to pull out his gun in public, he has to make a report on that—I think that was the matter he asked about and I think it's a good point; I would have an opinion on that if I were sitting where you are, and I don't think it compromises you to have one—do you think that is a good idea? Do you think it's a bad idea? Don't feel compelled because you've been appointed by somebody that somehow you have to feel reserved about it.

Mr Binavince: No, I don't think that my being nominated to this board means necessarily that I have been muzzled in expressing my opinion. I don't take it that way.

What I'm saying is that if you choose to make a rule one way, the function of this board is to apply it and it's not for me to question its wisdom or lack of wisdom. But if you are going to ask me whether what is being proposed is wise or not—quite apart from why I am here today—my view is that this is a question of balance.

A policeman is in a very tricky situation. He is the kind of person who has to make instantaneous decisions. Unlike the members of this committee, unlike politicians, unlike judges and administrators, the police do not have a lot of time to think, and their decisions very often are irreversible. It is an execution of justice in one way or the other, depending on how he decides.

I think this is very contextual. It's very difficult for me to really inject myself into the position of the policeman and say, "You did wrong" or "You did right." All you can really do is provide rules for general guidance. But if you are going to generalize a certain rule as if it is going to go over in every situation, I submit to you that you are making something wrong.

Mr Marchese: I understand the point, but the general rule here is that if you pull out a gun in public, you report the incident. That's the general rule. I think, as a rule, that it's not a bad thing to do at all.

Mr Binavince: No, I agree. The question of reporting is probably good to the extent that it provides evidence, instantaneous recording of what had occurred and probably a higher level of credibility to the statements being made. That's not bad.

There are certain issues that are involved which are probably constitutional in character, and I cannot give you, one way or the other, a kind of opinion that relates to that. I just do not want to debate that issue with you, because I think that's your job. You're passing the buck to me. I refuse to take it.

Mr Marchese: I wasn't passing it. We already did this. We're not passing it to you.

Let me ask you another question, because Mr Grandmaître raised another interesting question about some people feeling the rules around immigration are lax and asked you that question.

I have to say, from a perspective of someone who has come as an immigrant, who wasn't born here, I have an understanding of how the Italian Canadians were treated here when they came in the early 1900s. The treatment wasn't very good by the people who were here against the people who were coming. It seems that historically there has been a great deal of discrimination of many, many groups that I don't think could be denied.

Yes, we are on the whole good Canadians, but on the whole these good Canadians have done some nasty things to other people who eventually became Canadians. I think there's historical evidence to show that kind of abuse, so I think it's there.

From your personal experience, do you know people within your community or other communities—I won't speak of them as minorities, but other communities—who have had tough experiences with the police and, if so, how do you think they can be mediated?

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Mr Binavince: Yes, I'm very much aware of complaints of minorities in relation to the police. That's part of the challenge the institutions have to face. I'm also aware of the historic misdeeds they have suffered. I think those have to be rectified one way or the other. I'm not so sure whether I should be reading those misdeeds, historic or otherwise, and bringing it inside the board hearing and then start writing a decision which will affect policemen. I have to be fair and just, and it has to be contextual, it has to be on the basis of the evidence presented at that hearing.

If it were possible for me to go in there and just brainwash me for a minute and get in there and learn from the beginning, it would probably be the best. But I'm a product of my environment, my education, and presumably the attempt of the government in this case is that by injecting two other people besides the vice-chairman, there will be some kind of balancing out. We will probably be debating some of those issues, I agree.

Mr Marchese: Yes, but I was asking your personal experience. I gave an historical example as a way of showing that historically, from the past to the present, I think people feel that there are abuses. I was asking you, do you feel from your experience as a community person, perhaps even as a lawyer, that there have been people who have been very critical of how they have been treated at the hands of either institutions or, in this particular case, by the police, and if those experiences are perceived or real, how would you mediate as a member of this board?

Mr Binavince: As I said, I know those, but unfortunately the function of this board is not mediation. There will be an opportunity for mediation probably at the pre-hearing conference and that might clean up some of the issues. But the moment it gets to the hearing stage, there's very little you can do. You have to stay back and listen to the evidence. I'm not trying to evade your question; all I'm trying to tell you is that those are experiences that will help

us decide, but they are not the determinative experiences in making a just decision.

Ms Jenny Carter (Peterborough): You've been involved in law in several different parts of the world, four totally different ones, and you have extensive studies and experience. We're all aware of the controversies there have been, particularly in Toronto recently, and the allegations that crime rates are getting out of hand and the police have real trouble here. I understand you're based in Ottawa, so you have an outside perspective on that. Do you think things are really that bad in Toronto or do you think there's been a tendency to blow them out of proportion, for whatever reason?

Mr Binavince: I have a lot of friends in Toronto. They never told me it's really that bad. I think that is a factual question that I'm probably not qualified to testify on, but I know there is some rumbling outside and it would be foolhardy to ignore that; it's there. But our country and Ontario are not that bad. It can be made better, that's true, yes.

Ms Carter: But of course the fact that there are racial problems puts the police in this vulnerable position of being accused of being racist and so on. Do you think that they maybe have a motive, if you like, to make the statistics in Toronto look bad as a way of maybe justifying some of the things they—

Mr Binavince: I don't know the answer to that. I don't really know. I have my own personal views about statistics here and there but—

Ms Carter: That's what I was coming to. Do you think those statistics bandied about in the press are sometimes manipulated a little and maybe don't mean what they appear to mean?

Mr Binavince: The Law Reform Commission of Canada, before it was abolished, was studying that issue. Unfortunately, it's been abolished; I don't know what kind of recommendation it would have come up with. But that is a highly charged issue. There are a number of arguable sides to it and I do not think I am qualified to express an opinion one way or the other.

The Chair: We have 30 seconds, if there's another quick question.

Mr Robert Frankford (Scarborough East): Are your hearings public or closed?

Mr Binavince: They're supposed to be public, so members of the public will be able to attend and see how it's done.

The Chair: Thank you, sir. That concludes the interview. We appreciate your appearance here this morning.

Mr Binavince: Thank you very much, Mr Chairman, members of the committee. I appreciate your allowing me to come before you today.

JUDY C. SMITH

The Chair: Our next witness is Judy Smith. Ms Smith is an intended appointee as a member of the Ontario International Corp board of directors. Good morning.

Ms Judy C. Smith: Good morning.

The Chair: Would you like to make a few brief comments before we begin the questioning?

Ms Smith: No, I don't think I have any comments other than to thank the committee for the opportunity to apply.

The Chair: All right, we'll ask Mr Frankford to begin the questioning.

Mr Frankford: What can you tell us about the Ontario International Corp?

Ms Smith: I think it's an excellent corporation at a provincial level and it's very complementary with federal programs. In terms of the area I represent, the environmental industries or technology sector, it provides us with the opportunity to develop further our corporate abilities and apply for jobs that might occur outside of Canada, particularly in terms of the upfront costs of proposal writing and expressions of interest for new jobs. It also provides a registry of companies so that the corporation itself can put together a consortium to bid on work overseas and in South America and the United States. As well, it has representatives combing the globe for opportunities which can then be applied for by Ontario businesses.

What I see as most valuable in terms of what I might be able to do for the corporation is to make the organization, the corporation, better known in the Ontario region, because there are a number of companies, particularly in the environmental sector, which haven't heard of the Ontario International Corp. Its profile certainly has to be raised, because it's an excellent opportunity, particularly in the difficult economic times we face, to use our expertise, which is considered world class, and sell it abroad.

Mr Frankford: I gather you're very familiar with the environmental sector relating to the economy?

Ms Smith: Yes, that's my technical area of expertise, but there is also just the area of expertise of running a company. We have been in business for 14 years. As one of the smaller business sector companies, we certainly have faced many of the obstacles that companies in that category face, and with the recognition that this is the sector that is going to provide the new jobs for the future, and the new ideas, the new technology, it's very encouraging that people from smaller businesses are having the opportunity to direct policy and sit on boards of directorships like this in Ontario.

Mr Frankford: Do you have any thoughts about any other broad areas we should be getting into?

Ms Smith: Outside of the environmental sector?

Mr Frankford: Yes.

Ms Smith: I think in the health area we have a lot to offer. One of the projects I have been involved in is a training program for scientists from China; one of the programs was specifically geared to the medical practitioner and medical scientists from China. Our company organized a seminar for them about the Canadian health care system and about new technologies. We involved companies such as MDS, some of the leading-edge AIDS researchers in Canada. We talked about China in terms of it being not only a developing country, having some of the

problems of a developing country, but also a country with a very high educational level.

There was a lot of interest in the way we organize our health care and the transitions we're going into in the next 20 years, so I would say health care is another burgeoning field we can develop.

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Mr Frankford: I'm delighted to hear you say that, because I've read up quite a bit on this. Are you familiar with the suggestion that we should be looking for a market much closer to home—

Ms Smith: The United States?

Mr Frankford: —with an undeveloped health care system and excessive costs?

Ms Smith: Definitely. I think our advantage is in our administration of health care. We've basically kept the private physician system intact but it's the administration costs that we've managed to curtail and run efficiently.

Mr Frankford: Let me suggest that it's more than that. It's the philosophy of health as a public good as opposed to a marketable commodity, which has become the philosophy south of the border.

Ms Smith: Definitely, and they have the highest health care costs in the world. We certainly have a fair amount to contribute generally in policy development and in management consulting services. That's one of our strengths.

Mr Daniel Waters (Muskoka-Georgian Bay): I have a couple of questions. One of the things I noticed on your CV that I'm interested in is that you seem to have an interest in renewable sources of energy. I was wondering how that type of thing is going along, because my feeling is that we're not doing well with that at present.

Ms Smith: Your feeling is correct. It is an area that has been underfunded for approximately 10 years. After the national energy plan policy period ended and the energy crisis ended in the late 1970s—I'm sure Jenny Carter would know some of this history too because of her involvement in energy—the field was underfunded. It used to be provided with sufficient R&D funding from the national level. Even Ontario had a plan for an alternative energy corporation; I'm not sure if it still exists. There was a plan for a much broader development of this sector, but we have lost momentum and we've lost many opportunities in the last 10 years, which you can't recoup, to switch to renewable forms of energy.

But I think we are again embarking upon a new period of intensive interest in renewable energy for two reasons. I'm talking about conservation and efficiency improvements, not so much because of the energy shortage at this point but the environmental constraints, the CO₂ emission reduction targets we have to meet to moderate global warming and the acid rain and ozone depletion constraints as well. The environmental imperative is driving a lot of the interest in renewable energy and energy efficiency.

There's also the economic imperative, because you have at least an efficiency improvement in conservation. Some other modes of—well, cogeneration really isn't

renewable energy, but you have opportunities to save money and save resources at the same time and restructure our economy to be more efficient, and more competitive with Japan and Germany, which have already undertaken programs along these lines.

Mr Waters: On a different topic, the perception in the public seems to be that our workforce needs a major upgrading in skills level in order to be competitive. Sitting with this board, where you're out looking for foreign investment in this country and selling Ontario products, do you feel we need a major infusion of new skills and upgrading of skills if we want to maintain our standard of living, or are we competitive on the world market?

Ms Smith: I think we have depended on our natural resource heritage for too long. We do have an excellent education system, but ongoing professional development and ongoing skills development I think is going to be increasingly a part of adult life.

About every 10 years, it's coming to the point where you need to update your skills or perhaps change careers. In our office, we find we use a lot of computer programs. Even the secretary and administrator have to be highly skilled to keep up with the amount of material and information we have to process. It's difficult to find that level of skill in most people unless they've actively taken it upon themselves to keep on the leading edge in technology application.

The Chair: I'm sorry. I'm going to have to jump in here and move on.

Mr Grandmaître: You said one of your responsibilities would be to stimulate interest and to invite the private sector to participate in a more active way. How will you do this in the context of our present economy?

Ms Smith: If I were appointed to the board, I would encourage more widespread awareness of the corporation itself across the province, through chamber of commerce newsletters and vehicles like that. In my own community, in the Ottawa area, I see my role as simple.

Mr Grandmaître: The best, or the greatest area.

Ms Smith: It would be through the Ottawa-Carleton Economic Development Corp. I sit on their environmental technologies committee. That would be the first group I would make aware. They're already somewhat aware; they would like to have a speaker come and talk to the committee about the Ontario International Corp. Also we would make aware our network across the province of other environmental consulting firms and technology companies.

I've already done that to some extent just in my informal conversations with people, because I don't think very many people do know of this advantage. I think the environmental sector sees itself as being able to cross some of the boundaries and barriers. We do work substantially with companies in the United States, in Europe and in Australia.

Many of the environmental consulting firms also have an interest in development issues and have travelled extensively. The connection to Third World markets is quite amenable to them. They can see themselves working in that capacity more. It would generally be through making the corporation visible in the networks I work in.

Mr Grandmaître: Under the present economic situation in Ontario and under some of our laws that are not very well appreciated by the private sector, don't you think that by promoting or initiating more of these laws, your job will become much more difficult?

1050

Ms Smith: Just for clarification, could you give me an example of what kind of law you mean?

Mr Grandmaître: Well, Bill 40 is one of them.

Ms Smith: I'm not as familiar with Bill 40 as—

Mr Grandmaître: Well, you're the only one in this province who's not.

Ms Smith: No, I'm aware of the government position. I'm aware of the Southam News position, with its full-page ads against it. I think I'm somewhere in between. I'm not quite sure of the ramifications that stem from it at this point.

Mr Grandmaître: I see. You're a member of OCEDCO, which was recently criticized by Graham Kirby, the commissioner reviewing the Ottawa-Carleton regional government, for not being active enough or forceful enough. Can you respond?

Ms Smith: You can always be more active and forceful. OCEDCO is the Ottawa-Carleton Economic Development Corporation. I think it's incumbent upon all corporations to be looking for new markets and how to stimulate entrepreneurial talent within their existing community, and that is something that should continue.

I can't really comment on their record in the past. I'd like to think at this point that they realize there are significant possible concerns related to the constitutional question, perhaps devolvement of power from Ottawa that would perhaps put a burden on industries and businesses in Ottawa. I will endeavour to find out more about whether they're planning for that possible situation in the next few years.

Mr Grandmaître: What will be your first recommendation to the corporation to stimulate business in Ontario?

Ms Smith: I haven't attended a meeting yet, because I'm still an applicant.

Mr Grandmaître: Any pet project?

Ms Smith: Because I'm from an environmental sector, I would be interested in what conditions or guidelines might be applied to Canadian business ventures overseas. CIDA, the Canadian International Development Agency, has a set of guidelines that are applied, and I am interested in discovering how widespread that approach is because I would not want to see our business develop to the detriment of the environment in other countries. What I would propose is that for any development that looked like it may pose substantial hardship on the environment and possibly people who are living off the land in another part of the world, there be an environmental component or a consultant or some application of environmental technological skill attached to that project. I guess I would be looking for environmental opportunities through projects that may not have them already.

Mr Grandmaître: Good luck to you.

Ms Smith: Thank you.

Mr McLean: Do you think this position will have any conflict with the association, associates, you belong to?

Ms Smith: Could you clarify about associations I belong to?

Mr McLean: Torrie Smith Associates. Isn't that who your firm is?

Ms Smith: Yes. My understanding is that if there is a conflict of interest, I make note of that to the board and disassociate myself from any further involvement in the decision that's made. At the present I have no conflict, and I don't foresee any conflict in the future.

Mr McLean: Being a member of the board and looking at different aspects of investment and other aspects that companies will want to be looking at, you would be in a good position to be able to advise the firm if there were some business it could pick up through any negotiations that you may have, would you not?

Ms Smith: Apparently, there is a separate committee that decides on proposals, and I have been advised that I would not be required to be on that committee. I think more the senior policy issues would be addressed by the board as a whole, and in that capacity I would be represented, but as to the committee that looks at funding of specific projects and help, the chief executive officer, Gordon Gow, has informed me that I would not sit on that committee if I was appointed.

Mr McLean: Are you still involved in Greenpeace?

Ms Smith: I'm not a member of Greenpeace. They have hired us for our expertise in the past, and currently we are helping them, along with a coalition of other environmental groups, at the hearings on Ontario Hydro's long-term business plan. So I'm not a member, but they feel that we have the expertise they need.

Mr McLean: I see that your firm has been mainly involved in environmental work. Is that mainly the direction that the firm is in?

Ms Smith: My résumé is a little skewed because it only shows the projects that I've been involved in. Our company has been involved in 150 projects, and a prospectus from our firm would show you that we're much more broadly represented than this particular résumé indicates.

We worked for the Canadian Electrical Association, SaskPower, New Brunswick Power; we've worked for the Organization for Economic Co-operation and Development, working groups in various levels of government, Environment Canada, Energy, Mines and Resources and so on, as well as some international organizations. My background and interests and the kind of environmental analysis that I bring to a job lend themselves either to progressive elements of government or environmental groups. Hopefully they will eventually move further into the mainstream over time.

Mr McLean: Were you asked to apply for this position?

Ms Smith: I was asked if I was interested in applying for the position, yes.

Mr McLean: And who asked you?

Ms Smith: By the Minister of Industry, Science and Technology; by the ministry. Barbara Bell called me.

Mr McLean: Right, and you didn't have an application in until that time?

Ms Smith: No.

Mr McLean: I wish you well.

Ms Smith: Thank you.

The Chair: That concludes your appearance here this morning, and thank you very much. I wish you well.

Ms Smith: Thank you.

GERARD COFFEY

The Chair: The next witness is Gerard Coffey. Mr Coffey, good morning.

Mr Gerard Coffey: Good morning.

The Chair: Mr Coffey is an intended appointee as a member of the Waste Reduction Advisory Committee. Any brief comments before we get into questions, Mr Coffey?

Mr Coffey: No. Happy to be here.

The Chair: Okay. I hope you have that same attitude at the conclusion of the interview.

Mr Coffey: Let's hope so.

The Chair: We'll look to the government member, Mr Waters.

Mr Waters: Good morning. One of the things I'd ask is, can you please tell us about your contribution to Metro Toronto's waste reduction task force, which I understand issued a report in 1991?

Mr Coffey: Yes, that's right. Yes, I was initially an alternate for Steven Shrybman, I think it was. At the time I was working for the Canadian Environmental Law Association. I was the staff person for the It's Not Garbage coalition; I was the coordinator, the person who basically made a lot of it happen. There was a representative of the It's Not Garbage coalition on the Metro waste reduction task force, and when Steven left, I took his place and I was involved in the—I won't say negotiations, but the writing of the report, of the development of the report, and I was very happy to be there. I thought it was an important thing to do at the time.

Unfortunately, the Metropolitan government did not take much action on a lot of the recommendations that came out of the report, which I thought was too bad because I thought we had a fair representation of people, including a number of people from the Metropolitan governments, councillors and staff people on the committee. I thought we developed some pretty good recommendations, and I was a little disappointed that not much action happened as a result of it.

1100

Mr Waters: It's interesting, this group that you were a part of, It's Not Garbage. I'd like to know if you could please outline some of the recent work of this group; it sounds like an interesting concept.

Mr Coffey: Sure. Initially it started because of the site searches under the previous government, which were

happening around the greater Toronto area, and a number of the areas that were threatened with landfill sites were, as now, screaming. Our thought about the whole process was that if we were to get together and we could agree on some sort of proactive agenda for reducing waste it would be in all our best interests, and in fact that's what happened; that was the seed for the group as a whole.

We agreed on a five-point strategy, I think it was, for waste reduction in Metropolitan Toronto. There was a real feeling at the time, I think, that the Metropolitan Toronto government was basically interested in shipping the stuff somewhere else and not doing much about waste reduction. And so we got together and put together this five-point plan which we took to the Metropolitan Toronto government and asked it to strike a task force to look at the recommendations that were made, which it agreed to do, and we followed up with the report.

Since then, what we've been doing within Metro, besides making recommendations on particular policy matters, is also to start reaching out to a lot of the ethnic organizations and ethnic groupings within Metropolitan Toronto. Our experience is that very few people who have English not as their first language or as their mother tongue are reached by the information on waste reduction that Metro puts out, and we made it our business to try to go out there and reach the Italian groups, the Portuguese, Chinese, Caribbean communities.

It's a long, hard, slow process. It's not something that's high on their agenda; it's not even on their agenda in a lot of instances. The Chinese community is changing now, and has changed significantly in that regard, but I think a lot of the other communities are slow to respond, and it's often easy to see why. They're not always in the position that jobs are easy to come by and they tend to get passed over in that regard, so making a living is often their primary interest.

We're working slowly at this and we're hoping to do a series of programs on CHIN radio fairly soon, in cooperation with CHIN, which should, I think, make this a much more mainstream issue.

Ms Carter: I guess we're all committed to the three Rs, but reduce is probably the ultimate R, the best one, and I understand that you're doing some particular work on waste reduction, so I wonder if you could tell us something about that and the kind of conclusions that you're coming to on that.

Mr Coffey: Sure. The major conclusion that I've come to, looking at this stuff, is that you're right: It is the only way ultimately to reduce waste. Even if we were to close the loop, even if we were to recycle everything and to lose nothing, it would still be possible for the loop to keep growing bigger and bigger and bigger, and the problem with that is not the waste that's produced but the pollution that accompanies the extraction processes and the recycling processes and all the manufacturing processes that are there. It's the air emissions, the land degradation, the water emissions; all those things are the real problems with waste production, and only by actually reducing the amount of material that we use are we ever going to come to grips with the solid waste problem.

This is particularly true in light of the fact that Third World countries are—and rightfully so—wanting to raise their standard of living to something close to our own, and that will involve a lot more industrial production worldwide; will involve a lot more production of greenhouse gases; of particulate emissions of all kinds; water pollution. That's a major problem for us, and we have to stop looking at waste as just something that happens within our own backyard, something that's just a disposal issue. It's much more than a disposal issue; it's an issue of pollution, first and foremost.

I'm looking at a number of recommendations for reducing waste, just one of which came to mind this morning: The old paperless office that was sold to us years ago by computer sales people. This was how the office was going to look in the future, but of course we all know that in fact—

Ms Carter: We've got more.

Mr Coffey: We've got more paper, and one way to cut down on that may be to start using more electronic mail communication, and within provincial, federal and municipal governments there's significant leeway for doing something like that, but at the moment, there are so many competing software packages and systems that it's almost impossible for one organization, one ministry, one level of government to communicate with another. So there's a lot of room there to cut down on paper use.

Ms Carter: What about packaging?

Mr Coffey: Oh, sure, there's lots of room to work on packaging. A lot of it is being addressed, but yes, there's lots of room to move there. We've always been very keen on introducing refillable containers for a whole bunch of uses.

Reusable transportation packaging, which I think is being looked at: The Liquor Control Board, for instance, or the Brewers' Retail would save massive amounts of cardboard and packaging materials if they were to move to reusable containers. In fact, I think in the brewing industry, the Brick Brewery, if you're familiar with it, when it initially started to produce beer, used plastic containers for shipping its beer. Unfortunately, they didn't fit into the Brewers' Retail system and so they had to get rid of them, but if everybody was to move to those things, they would save a huge amount of material. There are a lot of those kinds of things that can be done.

Ms Carter: Thank you.

The Chair: Mr Marchese and Mr Perruzza, and you've got about a minute and a half.

Mr Marchese: One quick comment on the issue of how we reach ethnocultural/racial communities—just to commend you in having done that, because I believe we're not doing enough of it. Communicating in writing is simply not enough. It assumes that every community is literate, and that's simply not a good medium on the whole. People have to reorient their minds around other issues.

My other question is—that wasn't a question, it was a comment—if we have limited dollars—and you will understand that most governments at all levels, municipal, federal and provincial, have problems with money—and

we have to commit them to environmental issues, how would you advise us to spend limited dollars and to have the most maximum effect?

The Chair: In 30 seconds.

Mr Coffey: It's such an easy question.

Mr Grandmaître: That'll be my supplementary.

Mr Coffey: That's good. My focus is waste management, and if I can keep it to the waste management area, I think it would be extremely good for the government to develop some sort of materials-use policy, to be perfectly honest, and to look at the flow of raw materials through the economy: how it can be reduced; how the impacts of material use can be ameliorated; it would take into account packaging; it would look at the extraction of bauxite; it would look at the power that's used to produce various materials.

I think having a sense of how materials flow through the economy, flow through production processes, would be extremely valuable in the long term, and I think we're ultimately all going to have to do that kind of stuff. It's because garbage is not just a matter of putting it in the ground somewhere.

The Chair: Okay, we'll have to move on. Mr Grandmaître?

Mr Anthony Perruzza (Downsview): Just as long as I get to be first with the next person, Mr Chairman.

The Chair: Put your hand up first.

Mr Coffey: Sorry if I've been taking up too much time with my answers.

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Mr Grandmaître: People in the Metro area are very concerned about Bill 143. Do you think it's fair that the Toronto area should be shipping its trash, garbage, call it whatever you want, to the York region? Do you think it's fair that the York people should be accepting other people's garbage?

Mr Coffey: I think there are a number of answers to that question. The first one that comes to mind is no, of course it's not fair. I think that wherever Metropolitan Toronto's garbage is put—and it's going to be put somewhere. Whether it's within Metro, the surrounding regions, in Kirkland Lake or whether it's, I don't know, Plympton, you name it, it's not going to be fair. Somebody's going to end up taking garbage from somebody else's backyard and that's not fair at all.

That's one of the reasons I do the kind of work I do, because I believe that, ultimately, the real answer to this stuff is not disposal, although we're always going to need some sort of disposal facilities. We should make them as small as we possibly can. We have been looking at options to landfills, at the possibility of getting all the toxic material, the organic material, out of landfill sites, which would make them less prone to create leachates, to attract rodents, seagulls or to create smells. That ultimately may be the way to go, but still some people are going to have a site of some sort in their backyards.

I know all these boundaries are arbitrary. I always feel sorry for people who are going to take it. I live close to the

Christie Pits. If somebody decided there was going to be a landfill site in the Christie Pits, I would be quite upset.

Mr Perruzza: So would Rosario.

Mr Coffey: Yes, I'm sure he would be. I think there's just a basic unfairness about having to dump material, but I don't know what to do about that. At least on this particular day in this particular year, I think our choices are really limited.

Mr Grandmaître: I realize what you're saying. A site is needed, but you don't have to triple the size of the site to accommodate more garbage and less recycling. This is what you mean.

Mr Coffey: Yes, we should obviously make sure that as much is recycled, as much is diverted, as possible. I think, to be honest, that a lot of the things in part IV of Bill 143 will make that happen. It's certainly my hope that if industry cooperates, which I believe it will, we can make major steps in that direction. We can keep a lot of the stuff out of the landfill sites. That would certainly be my goal.

If we can make sure Metro gets its composting facilities up and running and get the organic waste stream, especially the industrial, commercial stream, out of there, I think that will make a major difference.

Mr Grandmaître: What are your thoughts on municipal composting? I'm very much interested in this.

Mr Coffey: I think we need centralized composting facilities.

Mr Grandmaître: Is anything being done right now?

Mr Coffey: Metro is giving out—selling for \$10, which kind of amounts to giving them out—backyard composters.

Mr Grandmaître: But I'm talking about a larger-scale composting.

Mr Coffey: Unfortunately, I think the municipal government has been very, very slow to move towards getting the compost out of the waste stream. We've been kind of disappointed. We asked it in fact to allow the refurbished composting facility up at the Dufferin transfer station, the Downsview station, to be used for industrial-commercial waste.

Some residents in Chinatown have the facilities and are willing to sort of separate their organic waste but unfortunately the commissioner has said no, he won't allow it to be used for commercial waste, which I think is unfortunate. We could make major changes, I think, starting right now if that were possible. It's too bad, but we're always pushing them.

Mr Grandmaître: Do you think the minister should impose it?

Mr Marchese: What do you think?

Mr Grandmaître: I'm sitting over here.

Mr Coffey: I would much prefer the municipal government to just kind of get on with it.

Mr Grandmaître: Take on its responsibilities.

Mr Coffey: Yes, that's right. Obviously, it's got a problem right now with funding, but I think it still has

enough money left in its waste reserve fund to get something up and running fairly quickly if it wants to.

Since the province has taken over the site search, the hope was that municipalities would get on with 3Rs, but in fact they seem to be just kind of sitting on their hands and not doing a lot. I'm not saying that nothing is happening; I must say some things are happening.

Mr Grandmaître: Maybe one last question, on refillable soft drink bottles. I know the objective of the government and the previous government was 30%, if I'm not mistaken, and we've only achieved, what, between 7% and 11%?

Mr Coffey: Yes.

Mr Grandmaître: What's happening then on it? Isn't the government respecting its own objectives?

Mr Coffey: It's a tough one. I remember when the regulations were brought in. Almost from day one, targets were not met, and this 8% has been going on for a long time. I believe we may be on the edge of making some changes here. I hope so, because the industry seems to be on the point of accepting of the use of refillable PET containers, which I think are good for 15 or 20 trips or something like that. Polycarbonate containers are also now available, which are good for juice and liquor, and they can be used up to 100 times, so it appears that the technology may in fact provide the answer to this kind of dilemma we've all been going through.

We've been trying to negotiate and work with the soft drink people for quite a long time now to find some sort of answer. Obviously, their problem is they want to centralize their facilities and ship it out. These kinds of containers may provide the answer, and I'm hoping they will, because obviously threats and fines haven't worked in the past. They've just basically been shrugged off, so unless we can find some sort of common ground, which I'm hoping we will, I don't know where it's going to go, to be honest.

Ultimately, if the industry continues to renege on its promises, then I think the government is going to have to come down hard on it. But my hope is that we'll all be able to find something that we agree on, and I actually think that's likely at this point. My hopes are up in the last three months. Six months ago I would have been quite despondent about it, but right now I think there's a good chance that it will happen.

Mr McLean: I've been a great advocate that packaging is a problem, in my mind, and I think that we're lacking some direction on that. What is your opinion towards the reduction in packaging?

Mr Coffey: My opinion is that until we get some sort of agreement, some sort of understanding between all the generators, the producers, municipalities and governments, on who is financially responsible for the processing of packaging materials and materials in general, it's going to be very difficult to make reduction happen.

My favourite example is always the soft drink industry, in that at the moment, because the municipalities pick up soft drink containers, recycle them, dispose of them, there's no financial incentive in fact for the industry to move towards refillable containers. Until they actually take

some financial responsibility for the post-consumer processing of those materials, it's going to be very difficult to change their minds.

The Waste Reduction Advisory Committee, as you may know, has been working on a shared model which will in fact, hopefully, move this kind of idea forward, I think. If the producers take responsibility, or a certain amount of it, for the post-consumer processing, there will be an incentive for them to reduce the amount of materials they use and incentive for them to move towards reusable packaging as opposed to disposable, because they'll have to pay for the disposal of it.

Mr McLean: Does the Waste Reduction Advisory Committee have any goals set in that direction that you're aware of?

Mr Coffey: I'm not as familiar as I would like to be with all facets of the Waste Reduction Advisory Committee. Obviously I'm here because I'm slated to be appointed. My knowledge of their progress in this particular area relates to the development of the shared model.

Mr McLean: Okay. The legislative research memorandum says:

"The minister's decision to ban the incineration of garbage was strongly supported by environmental activists and many health care professionals, and criticized by some municipal politicians around the province and some private sector waste management firms. An example of the latter is Ogden Martin Systems Inc, an international waste management company with operations in Ontario. The company argues that state-of-the-art incineration is safe and poses minimal health risks, certainly less risk than many dump sites in operation in Ontario. The company points out that even in countries which do practise the 3Rs, governments find it necessary to allow incineration."

Can I have your opinion on this?

Mr Coffey: Yes. To deal with the last point first, I wouldn't concur that governments find it necessary to incinerate. I think they probably have their arms twisted by people like Ogden Martin who have a lot of very well paid, well-trained lobbyists out there trying to drum up business for themselves.

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My feeling on it is that there are definitely health risks associated with incineration. If you incinerate, it doesn't do away with the need for a dump site. If it did, there might be more of an argument.

In fact you still need both, because you still have to dispose of the ash. The fly ash becomes more toxic than the actual material that would have been put into the dump site and has to be disposed of in a hazardous waste disposal facility. Obviously, the costs of that are fairly extreme.

The other ash, the bottom ash, I think is considered toxic a third of the time. I could be wrong on that, but a certain amount of the time it can be toxic. It's often disposed of in municipal landfill sites.

The other two major points are that there's a major upfront cost to putting in place incineration and it almost forces you into using it; basically I think it does. I think the cost of incinerators these days is something like \$200,000

per daily tonne of capacity. So if you burn 100 tonnes it costs you \$20 million, if my math is correct.

The costs are fairly significant, and our experience is that they do in fact undermine recycling. It doesn't undermine recycling of cans and bottles, to be sure, because they are absolutely useless as fuel, as you might guess. And we don't buy the argument that power production from incinerators is a particular advantage, because you can't use incinerator-generated electricity for base load. You can only use it for peak power because the fuel is just not stable enough. So you would tend to waste most of the electricity that can be generated.

Mr McLean: Okay. I think I've got an answer. The other question I have is, the process has gone on in the GTA with regard to locating landfill sites. You're probably aware of it as well as anybody and probably have some observations you can make. How many disposal sites would you feel would be appropriate if they locate in the GTA? I don't know myself and I'm just curious.

Mr Coffey: I don't know either. I think any government that does it is going to get dumped on, so to speak. I think you're between a rock and a hard place. If you announce a few sites, people are going to say to you: "What about this? You didn't consider this one. There are all these other sites." Then they'll want you to go back and look at the rest of them. If you announce them all, then you threaten a lot of people and you get a lot of screaming and shouting.

My general feeling is that this is probably the right way to do it, although I must admit it causes an awful lot of people an awful lot of grief. Again, I find that difficult just from a personal point of view. But, I mean, I hope the process can be got on with quickly and the sites narrowed down to the more legitimate candidate sites. I don't know what the magic number is. I wish I did.

Mr McLean: What do you think would be our goal for the year 2000 with regard to waste reduction? Do you think we can have it down to 50% of what it will be in 1992?

Mr Coffey: Sure. Yes, I think it's quite conceivable and I think you could probably do it within the next few years if you could get all the players to stop playing politics and just kind of get on with it.

Mr McLean: The mayor of Mississauga said it has 500 tonnes of plastic in storage. Where do you get rid of all this recycling material that we have?

Mr Coffey: The report the It's Not Garbage committee did in conjunction with people from Metro basically looked at paper, glass, compost, metal, the things that are relatively easy to recycle and relatively easy to find markets for. We came to the conclusion that just with those particular portions of the waste stream, you could reach 50% and find markets for them. Obviously, there's work to be done in market creation through procurement policies at all kinds of levels, but it could be done and we wouldn't have to—I won't say we wouldn't have to worry about plastic. We have to try to make sure that plastics are recycled as much as they're used, but I think it could be done.

Mr McLean: You live in Toronto?

Mr Coffey: Yes.

Mr McLean: I'd like to know, why does Metropolitan Toronto need twice-a-week garbage pickup? We only have once a week in the city of Orillia. Why do we have twice a week here?

Mr Coffey: It's a good question.

Mr McLean: It's a big expense.

Mr Coffey: I don't know that we need it twice a week. Historically, people have had twice-a-week pickup. I think you bring into that debate the whole issue of where the surplus labour would be used. Our position on this stuff is that if communities want to go to once-a-week pickup, the staff that are now being used to do the twice-a-week pickup should be transferred to jobs related to the 3Rs, that this shouldn't be used as a method of laying people off for cost-cutting purposes. I think that's what it often is, particularly in municipalities that have twice-a-week pickup.

Mr McLean: Then why don't you have twice-a-week pickup for recycling stuff?

Mr Coffey: In fact, they did in some parts of Metro. I think the city of Toronto used to have at least a couple of trucks coming by on the same day, which kind of amounts to the same thing. They've just moved from that to basically once-a-week pickup for recycling.

I think it's a historical thing to some degree. When you've got twice-a-week pickup—I think the idea behind it initially was to make sure the garbage didn't get thrown away, wasn't dumped illegally—then it could be useful as a waste reduction method. I don't know that there's any proof that it is, but our concern is that you don't use it as a way to just lay people off, that we could use those bodies in 3Rs.

Mr McLean: Thank you.

The Chair: Thanks very much, Mr Coffey, for your appearance here this morning. We wish you well.

JOAN KING

The Chair: Our next and final witness this morning is Joan King. Good morning.

Ms Joan King: Good morning.

The Chair: Welcome to the committee. Ms King is an intended appointee as a member of the Waste Reduction Advisory Committee. Would you like to say anything before we begin the questioning? Any comments?

Ms King: No, it's been a long time getting here; that's all.

The Chair: Do you mean in terms of miles travelled or in time?

Ms King: In time.

Mr McLean: Holidays.

Interjection: Too many holidays.

Ms King: That's another story.

The Chair: We'll begin the questioning, then, with Mr Perruzza.

Mr Jim Wiseman (Durham West): No, sorry, this is—

The Chair: Sorry, I thought all these were government appointees. My apologies. Mr McLean, then.

Mr McLean: I thought they were too, but this is one I picked a long time ago.

I'll ask you some of the questions I asked the last one with regard to the reduction advisory committee. My greatest concern, and you hadn't heard all the questions, was with regard to packaging. What do you believe should be the order of the day, to reduce packaging in this province, for your reduction advisory committee?

Ms King: The question is, what do I think should be done to reduce packaging?

Mr McLean: Yes.

Ms King: I think the way to get at the reduction of packaging is through the federal packaging protocol committee. That's not NAP; I'm trying to think how the words go. To reduce packaging, it's going to have to be done through federal legislation, because most of the packaging problems we have go across this country. You can't really tell Kellogg's, for example, that we don't want these large cereal boxes two-thirds empty by the time I pick them up at the store in Metropolitan Toronto. There are going to have to be very clear rules across this country on packaging. That's why I think the attention should be primarily on national legislation, but certainly, provincially and municipally we should be pushing.

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Mr McLean: What about the recycling program that's in effect now? Do you think it is being used to the full extent that it should be or do you think we're still slack on our recycling programs?

Ms King: I think in the recycling program, the blue box program—I can certainly talk about it in Metropolitan Toronto—we're getting very close to feeling we're reaching that 25% reduction target in Metro using the recycling programs. In order to get much further, we're going to have to have completely different kinds of programs. We're going to have to be much more aggressive in terms of what we recycle, and I think the bottom line is going to be to look at it economically, whether that's possible.

I think the idea of trying to reduce things before they ever get into the packaging is the right way to go, rather than try to deal with them after the fact. I would like to see more effort put into where you originally started the reduction things to make sure they're not there in the first place, rather than try to figure out more and more ways to sort things and pull things out that might or might not be very worthwhile to recycle.

Mr McLean: You're on Metro council?

Ms King: That's right.

Mr McLean: Are you on the Association of Municipalities of Ontario as an elected representative?

Ms King: That's right.

Mr McLean: And you're their environmental committee chairperson?

Ms King: No, Mike Bradley is, but they asked me to represent them on the Waste Reduction Advisory Committee.

Mr McLean: So you've been recommended by them to sit on this board.

Ms King: That's right.

The Chair: We have Mr Perruzza, Mr Waters, Ms Carter and Mr Wiseman who've indicated an interest in asking questions, if you want to keep all that in mind. Mr Perruzza, you can lead off.

Mr Perruzza: It's not very often we get a public official before us, so I'm going to ask you some questions dealing with your public persona and then a couple of questions on your specific views on waste reduction. I guess my first question would be, are you a member of either the NDP, the Liberal or the Conservative party?

Ms King: No.

Mr Perruzza: You're not a member of any of the three parties?

Ms King: No.

Mr Perruzza: Have you ever assisted or worked for any of the political parties in election campaigns?

Ms King: Yes.

Mr Perruzza: Which ones?

Ms King: Both the Liberals and the Conservatives.

Mr Perruzza: Okay.

Ms King: I tend to go by people.

Mr Marchese: That can be confusing.

Ms King: It is, but I seem to be able to do it very well. Everybody's confused. Those who are Conservatives think I'm Liberal, and those who are Liberal think I'm Conservative, but definitely, I must admit, Tony, I've never been out actively knocking on doors for the NDP. I do fund-raise for both or put my money in both pots.

Mr Perruzza: Okay, good. So we've gotten that out of the way.

Mr Marchese: Sean Conway would have asked you that question, but he's not here today.

Mr Perruzza: I did it for Sean so when he looks into Hansard he can see that his question was asked and he won't have missed the meeting.

I often sit back and watch Metro council meetings. To put it mildly, you're a very outspoken councillor, and I think that's a good thing in terms of representing the interests of your community and more often than not the interests of the corporate collective on Metro, but you've also been a very active and vociferous critic of the Minister of the Environment herself. Would you say that's an accurate statement?

Ms King: No.

Mr Perruzza: Okay, well—

Mr Wiseman: As far as Kirkland Lake is concerned.

Ms King: On specific items, that's right. If you would like to know my position on Kirkland Lake, I'd be pleased.

Mr Perruzza: As part of your speeches, when we talk about some of these very sensitive issues and issues that are near and dear to us, things like transporting waste to Kirkland Lake, or I guess the other issue that readily comes to mind because it's a debate that only took place I believe a couple of weeks ago is the tipping fees—I believe that's still going to be an ongoing debate at Metro—

wouldn't you say that you've been very outspoken and critical of the initiatives the minister has taken on these two these two particular issues?

Ms King: Certainly, on the Kirkland Lake issue I've been very clear. That was part of the thinking at Metro council when we invested a lot of money, having checked first, by the way, with the ministry and been told to keep our options open—we did—and I feel that's still going to be a very viable solution down the line.

On the tipping fees, I honestly have absolutely no idea of the minister's position, although I certainly have been well advised by people in the waste reduction office and I think we're in concurrence. That is my understanding, but I do not know the minister's position on tipping fees.

Mr Perruzza: Okay. Then I was watching another council meeting and it must have been another councillor who was—

Ms King: It has not come to council yet. We have debated it at a joint management-works committee three times. It should come to council on the first council meeting in November. The whole issue is financing of waste management.

Mr Perruzza: No, I was referring to the whole issue around Kirkland Lake. I understand the tipping fees and I understand that it's gone before committee.

The decision not to proceed with the Adams mine site in Kirkland Lake sparked some very, very harsh—and harsh is putting it mildly—comments and criticisms on the part of many a Metro councillor, and I can understand this. I guess if I were on Metro, I'd essentially be doing the same thing, but it links up to an issue which I think is important to me, in terms of your being able to sit on this committee and advise the minister on issues of waste reduction when harsh comments and harsh criticisms more often than not attack the persona or the personalities themselves. It deals quite directly with the issue of credibility. I know that we've been having some of those problems as a government and I think that sometimes we politicians can—

Ms King: Anthony, I beg to differ on this one, because I don't think I've ever personalized it. As a matter of fact, I quite admire Ruth Grier. On many issues, I think she's absolutely right on.

On the export of waste to Kirkland Lake, she and I have discussed it many times and we've done it in public. She knows my position and I know her position, but I have never personalized it. I think if we went back and looked at tapes of Metro meetings—if there are such things and I'm not sure there are—I think you would find that I do not personalize. I don't really believe in that kind of political debate and I suspect that if Ruth Grier were here she would not find that I have ever attacked her personally. I certainly haven't.

Mr Perruzza: No, I understand. Again, I think it is important to clear the air, because in order to be effective on this type of committee I think one needs to be clear on the fact that he or she is not going to be using this as simply a platform to further their own sort of political agendas. I think that's important. I think that you're doing that a little bit.

Mr Grandmaître: That has never happened before.

Mr Perruzza: Two more questions before I turn it over to some of my colleagues. I guess we've dealt with the Adams mine a little bit. In your opinion, did Kirkland Lake want the garbage?

Ms King: Do you mean the town of Kirkland Lake?

Mr Perruzza: Yes.

Ms King: I think clearly on the referendum they were asked a question of whether or not they would like the Adams mine as part of a full environmental assessment process to be one alternative looked at, and yes, that community clearly in voted that direction.

Mr Perruzza: Did you address a hostile crowd up there?

Ms King: Did I address a hostile crowd?

Mr Perruzza: Yes, a bunch of screaming people saying they didn't want Metro's garbage.

Ms King: No.

Mr Perruzza: Did you go to Kirkland Lake and address a crowd up there?

Ms King: Yes, but it was quite the other way around. They were very much saying to us, "Why haven't you moved on this, Metro?" The pressure I got from Kirkland Lake, quite honestly, as a matter of fact, is that there's a lot of anger against Metro for not pushing on this issue harder, because there are many people up there who would like to see that site as part of the assessment hearing, and they're angry that we're not delivering it. That is the animosity, I think, at the moment.

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Mr Perruzza: Curbside levies: How do you feel about that? Do you believe that at some point we're going to have to charge people for their garbage?

Ms King: Yes.

Mr Perruzza: Okay. Targeted taxes: for example, the Treasurer's 10-cent beer-can tax announcement. How do you feel about that?

Ms King: Personally, I think that is the wrong way, and please let me explain that. With the tire tax, the beverage can tax or a tax that goes into general revenue, we can't get it back to address the problem. I think it's much better to look for a way in which those businesses, be it tires or beverage producers or whatever, have a responsibility in this, no question about it. But I would like to see their moneys used for finding alternatives.

I'll give you a perfect example that's happening today in Metro. We've been trying to find ways to get tires recycled. One of the options is sound barriers along the highway. We were even prepared to go far enough ahead to say we'll even use them on one of ours on the Allen expressway. But the Ministry of Transportation won't allow it yet because it isn't proven. We're in a catch-22: We can't get the funding to help us get that up as a model. We're absolutely caught in a catch-22.

We have to find markets for these things. If we're going to pull them out and recycle them, we've got to find something we can do with it other than bury it. So here we

are in a catch-22; there's no money. Damn it all, there's a lot of money collected on tires, but we can't even get a small amount to put into a project to see if the sound barrier thing will work.

The Chair: Sorry, I'm going to have to jump in there. Mr Grandmaître.

Mr Grandmaître: Yes. It's very refreshing to have—

Mr Perruzza: I'd like to thank the councillor for answering some very difficult questions in a—

The Chair: You can thank her later. Mr Grandmaître.

Mr Grandmaître: As I was saying, it's very refreshing to see an appointee who does have knowledge of why she's being appointed to such an important committee. How would you describe this government's record as far as waste management is concerned?

Ms King: In fairness, we're all struggling on waste management. We're all struggling because it's a very costly thing to get into. We've had an easy way with land-filling in the past. It's not going to be easy in the future. Very, very expensive programs, though, are being suggested, and our tax base just can't handle it right now.

The reason I'm really quite interested in being on the Waste Reduction Advisory Committee is I think they're looking very seriously at a model, a shared model, where you can get the business sector involved in the process without taxing it, without doing it through three different routes, but actually get it involved in the process of getting these materials back into another product through recycling. I think also they've got very good thinkers in terms of some of these reduction concepts of how we can change our ways. But the bottom line is that none of us are doing very well in resolving all the problems.

I stand up on platforms and say, "In Metropolitan Toronto we've reached 25% reduction." I know actually we've reached way more than 25% reduction; we've reached more than 50% reduction, but it's been just because all the waste is going south of the border, and I'm not very proud of that because I don't think that's environmentally very smart. I don't think it's going to safer land-fills. As a matter of fact, I'm quite concerned about that. I also think the environmental impact of shipping it all off—

Mr Grandmaître: To somewhere else.

Ms King: —and I think with a lot of the recycling things that we wanted to see happen, it's much cheaper to just send it south of the border. So those things are not happening, although statistically we look great; nothing's coming to Keele Valley. But really we haven't solved the problem; we've just sort of let it go somewhere else, and that isn't solving the problem. I think this government has to address that. We have not solved the problem; we've just let it flow somewhere else. That's a real concern to me.

Mr Grandmaître: In your answer, I sense you're against an environmental tax.

Ms King: Yes. I wish I weren't. If an environmental tax could actually come back to resolve that particular issue then I'd say, "Great, let's have them." But from my perspective, the environmental tax is not coming back to solve that problem at all; it becomes part of the general

revenue. I realize the pressure's on government right now and I realize it gets used for all kinds of other things.

I would rather, instead of an environmental tax, find a way that the industry producing the thing can get involved in resolving the problem directly. I think that way we might get some answers to some of our environmental problems.

Mr Grandmaître: This government prides itself on consultation and negotiations. How would you rate the government on the consultation between Metro and the Ministry of the Environment? How would you rate it?

Ms King: We don't have much consultation. I think it's a fact of life that we're all very much involved in doing our things.

If you're talking politician to politician—I think you are—the one good thing I can say is, certainly my experience is to see that the bureaucrats on both sides of the fence consult very well and that there is a lot of dialogue back and forth and a lot of awareness of what's happening, what isn't working and what is working and so on.

Politically, we don't seem to have a forum; we don't seem to have a way to sit down and gnash through some of the problems. It's very unfortunate because then we land up being seen to be opposite and I think in fact we all want to have the same result. We want to resolve some of these problems, but we don't seem to have a forum for that. I just thank the Lord that the bureaucrats seem to get beyond us and do a lot of that work.

Mr Grandmaître: Who's to blame, though, at the political level? Is it Metro or is it the provincial government that's not to be trusted? Who's to blame?

Ms King: I really don't think you can throw the blame on one or the other. The difference, I guess, is that at Metro, up to now anyway, we have not been affiliated with parties so we don't have that natural alliance that might make things flow or, of course, might make sure things don't.

But I think Metro government, for those of you who are familiar, has gone through major, major change in the last four years, with direct elections to Metro, and we're struggling a lot internally. I think a lot of the fault has to be on Metro. We haven't moved to look out to the local municipalities or to the province as much as we should and I think we should be doing a better job on that.

There are certainly some political alliances that I'm not privy to, parties to parties: some members of council are members of one party or another.

Mr Grandmaître: I was going to ask you a question on market value assessment but my time is up, so good luck to you.

Ms King: Thank you.

The Chair: Okay. That concludes your appearance here, Ms King. Thank you. Good luck.

Ms King: Thank you.

1150

The Chair: The final matter before the committee this morning is the determination of whether we concur with the appointments of the witnesses who appear before us this morning. Members know we can deal with this in one

motion or, if there's a request, on an individual basis. All for? Mr Marchese moves—

Mr Wiseman: Is there any discussion on this?

The Chair: Any motion is open for discussion. We have a motion from Mr Marchese that the committee concur with the intended appointments reviewed today. Mr Wiseman would like to comment.

Mr Wiseman: Yes, I'd like to comment on the last deputation. Unfortunately I didn't get a chance to ask any questions. I think there are some that need to be resolved. I think the very first thing we need to recognize is that this is an AMO appointment, and I think that's—

Mr Grandmaître: Mr Chair, are we considering the four appointees?

The Chair: Yes, we are.

Mr Grandmaître: You're referring to one and we're referring to all four.

The Chair: I see nothing wrong with anyone commenting about any of the four. No one's objected to dealing with them in one motion.

Mr Grandmaître: That's right.

The Chair: So we can comment on any of the four witnesses who appeared before us during discussion on the motion.

Mr Grandmaître: But aren't we going against the resolution?

The Chair: No, not in my view.

Mr Grandmaître: Your resolution is all four, and now—

Mr Marchese: That's true, but he's commenting on one of them.

The Chair: He's commenting on one of them. I think that's quite appropriate.

Mr Wiseman: There are a number of questions I would have liked to have posed and I think they need to be put on the public record for consideration.

The very important consideration for my constituents is the role Metro has played in my community and the amount of money Metro has received because of that. Metro receives hundreds of millions of dollars a year from tipping fees from communities outside of Metro. For example, the Durham Board of Education has to pay \$150 a tonne to tip in the Brock West landfill site. It's true that Durham region does receive some rebate, but most of that money goes to Metro, and Metro has in its coffers hundreds of millions of dollars from communities outside of Metropolitan Toronto. Also, Metro charges the industrial-commercial sector \$152 a tonne to tip at both Keele Valley and Brock West and has hundreds of millions of dollars coming in through that sector as well. What happens to this money when it gets to Metro is a cause for concern to my constituents.

Mr McLean: Mr Chairman, on a point of privilege: I would like to raise the issue of the fact that I will come here to every meeting and I will comment on everyone who's before us. If people are going to come here and want to take the committee's time, they should have taken

the 10 minutes that were allotted. If they're going to comment on one individual after it's over, then I will come here and I will comment on everyone and keep the committee here after the allotted time, because that's what's going to happen.

The Chair: I think that's perhaps something that should be discussed by the subcommittee in terms of we have a motion on the floor and we don't have any guidance in terms of time limitations or this sort of thing occurring. As far as I'm concerned, Mr Wiseman has a right, even though he's not on the committee this morning and there's a substitute in his place, but I'm going to ask him to be brief.

Mr Wiseman: I'm almost finished.

The Chair: All right. I'd like you to conclude.

Mr Grandmaitre: I want to go on record too. You asked for a vote.

The Chair: No, I didn't.

Mr Grandmaitre: This vote has not taken place. Yes.

The Chair: I've asked for a motion to concur, and I believe everyone has the right to have input. I'm being generous in some respects because Mr Wiseman has a substitute here this morning, so he is not effectively sitting on the committee, but I think in terms of getting a lot of rancorous comments going across the floor, I'm trying to avoid that. I'm allowing Mr Wiseman to have these brief comments. If you want to talk about this whole concept, I think we can refer to the subcommittee later on. Mr Wiseman, do you want to conclude?

Mr Wiseman: In conclusion to my point about the money coming in, Metro council clearly is in a conflict of interest when it comes to waste reduction. They will be voting on issues that are going to cause their revenues to

fall, and therefore it raises the spectre of perhaps Metro not moving in the direction it should in terms of waste reduction.

To give two examples, we have the example of the food terminal in Toronto, and I raised this during committee hearings before. They spend \$800,000 a year eliminating their waste and they had a program set up whereby they would compost it. We have the Chinese community businessmen who wanted to compost in Downsview who were not allowed to do that.

Therefore I have to put forward some very grave concerns about AMO's appointment, given that there is this potential conflict of interest when it comes to recommendations for waste reduction.

Mr Perruzza: On a point of order, Mr Chairman: Can we have a separation? Can we vote on the individuals separately, one at a time?

The Chair: I asked for that initially. We already have a motion on the floor. You were given the opportunity and no one took up the opportunity. Mr Marchese has already—

Mr Perruzza: I'm going to support all four, but I think it's important for people to be able to do that on an individual basis.

The Chair: The point is that we already have a motion on the floor. Is there any further comment on the motion, which is to concur with all four appointments? All in favour? Opposed? Motion carried.

Mr Marchese: Was that unanimous or not?

Mr Wiseman: They didn't vote.

Interjections.

The Chair: The motion carried and that's what I saw. Meeting adjourned. We have a subcommittee meeting.

The committee adjourned at 1155.

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 - Stockwell, Chris (Etobicoke West/-Ouest PC)
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 - Wiseman, Jim (Durham West/-Ouest ND)

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- *Conway, Sean G. (Renfrew North/-Nord L) for Mr Bradley
- *Perruzza, Anthony (Downsview ND) Mr Wiseman

*In attendance / présents

Also taking part / Autres participants et participantes:

Wiseman, Jim (Durham West/-Ouest ND)

Clerk / Greffier: Arnott, Douglas

Staff / Personnel: Pond, David, research officer, Legislative Research Service



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Official Report of Debates (Hansard)

Wednesday 21 October 1992

Standing committee on government agencies

Subcommittee report

Assemblée législative de l'Ontario

Deuxième session, 35^e législature

Journal des débats (Hansard)

Mercredi 21 octobre 1992

Comité permanent des organismes gouvernementaux

Rapport de sous-comité

Chair: Robert W. Runciman
Clerk: Douglas Arnott

Président : Robert W. Runciman
Greffier : Douglas Arnott



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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 21 October 1992

The committee met at 1009 in room 228.

SUBCOMMITTEE REPORT

The Vice-Chair (Mr Allan McLean): I call the standing committee on government agencies to order. The first item on the agenda today will be the subcommittee's report of Wednesday the 14th. Is there any discussion with regard to the subcommittee's report?

Mr Daniel Waters (Muskoka-Georgian Bay): A bit of discussion, and that is that due to other circumstances and work, I got it at 4 o'clock yesterday. And no, I didn't watch all the ball game last night. I only got the last part of it. As most of us would like to review the documents and compare them with our previous notes, I was wondering if there is any way of taking today's agenda and moving it to the back of the subcommittee's report.

The Vice-Chair: There is some time, the clerk has brought to my attention. Wednesday the 4th are tentative proposals: The review of the municipal board hasn't been confirmed yet, so there may be a slot there, and the Metropolitan Toronto Police Services Board's proposed witnesses have not been confirmed yet.

Mr Waters: I have no problem doing it there, Mr Chair. The problem is that I just haven't had a chance from 4 o'clock yesterday to now to review my notes as well as read over all the documents.

Clerk pro tem (Ms Lynn Mellor): Maybe I could just bump everything down?

Mr Waters: Wherever the clerk can fit it in; I think we would all agree. If she can fit it in prior to that, the only thing I would want to make sure we didn't jeopardize was any review of an appointee. We do have that 30-day time line, so as long as we can work around that and rework the agenda for the next months, I think we'd all be supportive of that.

Clerk pro tem: On November 4 there will be two appointments to be reviewed there. You'll notice the time frame that was set was from 9:30 to 12:30. After we do the review of the appointments, we could do the review with David there, and then bump the OMB down to where the discussion is on November 18, just bump that discussion down, bump everything down? Leave the review of appointments on the same dates, but anything else, bump it down.

Mr Waters: I see no problem with that, Mr Chair.

The Vice-Chair: Then we'll accept the subcommittee report, as amended. All in favour of that? Opposed, if any? Carried.

Interjections.

The Vice-Chair: That's right. So that's got the subcommittee report. The wish is, then, for the committee's business for today?

Mr Waters: That it be postponed. I move adjournment of the committee for today.

The Vice-Chair: All in favour? Carried. Okay, we're back next week.

The committee adjourned at 1012.

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***Waters, Daniel** (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)

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***Tilson, David** (Dufferin-Peel PC) for Mr Stockwell

***Wilson, Gary** (Kingston and The Islands/Kingston et Îles ND) for Mr Marchese

***In attendance / présents**

Clerk pro tem / Greffière par intérim: Mellor, Lynn



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Wednesday 28 October 1992

Standing committee on government agencies

Appointments review

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 28 October 1992

The committee met at 1009 in room 228.

APPOINTMENTS REVIEW

Consideration of intended appointments.

GEORGE S. McMENEMY

The Chair (Mr Robert W. Runciman): Our first witness this morning is George McMenemy. He's an intended appointment as a member of the Ontario Labour Relations Board. Welcome to the committee. This is a half-hour review, with 10 minutes allocated to each caucus. Would you like to say something briefly before we begin?

Mr George S. McMenemy: No.

The Chair: All right, fine. Your review is the selection of the official opposition. We'll ask Mr Grandmaître to begin.

Mr Bernard Grandmaître (Ottawa East): Am I the only one, Mr Chair, without a CV?

Mr Daniel Waters (Muskoka-Georgian Bay): No, I don't have one either.

Mr Grandmaître: You don't? In that case, would the appointee briefly give us his background.

Mr McMenemy: Could you speak up just a little bit more? I think you asked me for my background, is that correct?

Mr Grandmaître: Yes.

Mr McMenemy: I've been a member of the glaziers union since 1969 in Hamilton. I've been in construction since I was 10 when I worked for my father in the summers. I've held practically every position in my local in Hamilton, except for recording secretary. I've been involved in our training trust funds in Hamilton and provincially. I've been involved in apprenticeship training, both locally in Hamilton and provincially. I'm on the Ontario Glaziers Trust Funds, which handles vacation pay, pensions and health and welfare plans. I'm a member of the Ontario council of the Canadian Federation of Labour as a vice-president. I've been appointed to several committees through our international. I'm a certificate-of qualification-holding glazier.

Mr Grandmaître: How familiar are you with Bill 40?

Mr McMenemy: I'm familiar with Bill 40.

Mr Grandmaître: What are your thoughts on Bill 40?

Mr McMenemy: I think that would be rather hard to judge today, seeing as Bill 40 is not legislation; not yet anyway.

Mr Grandmaître: No, but we were told that no major amendments would be accepted, so what are your thoughts about it now?

Mr McMenemy: I think Bill 40 is a piece of legislation, obviously put forth by the NDP, that is intended to promote a better cooperation in Ontario between all parties

in the economy of Ontario. That's my belief of the intent of the bill and that's my personal belief also.

Mr Grandmaître: I know the government has been talking about building or creating partnerships between employees and employers in the labour movement. At the present time, I think the way is the other way around. Employers are very concerned about Bill 40. I don't know how accurate their survey is, or what the impact of Bill 40 will be on Ontario, but they're saying there's a possibility that we might be losing between 200,000 and 300,000 jobs in Ontario if Bill 40 goes through unamended. What are your thoughts on that possibility?

Mr McMenemy: I think the original survey was done under the discussion paper or white paper on it. I don't know if there has been a survey done since the amendment to the amendment, I guess if you want to use that, on whether there will be that job loss. I'm not really sure if there is going to be a job loss of that amount, or if there will be a job loss, period. I would tend to think that surveys can be slanted to get whatever opinion you want, good, bad or indifferent. I personally do not believe there will be, and I have also not read any other studies or heard any information that it is a correct figure or an incorrect figure or anything. I don't know. I don't see it happening.

Mr Grandmaître: Do you agree with me that it will be easier for unions to be put in place?

Mr McMenemy: No, I don't. No matter how easy the legislation is to become a union member, if you do not want to become a union member, you will not become a union member, or the union will not be successful. I really don't believe it will be as disastrous as everybody is led to believe.

Mr Grandmaître: Also, the possibility that—as you say, it's not legislation yet, so it's a possibility—scabs will be totally prevented from replacing unionized workers, do you agree with this?

Mr McMenemy: The lack of replacement workers has already been covered in the construction sector of the industry. We have lived with that since 1978, when provincial bargaining became effective. From my own experience, we have never had replacement workers in the construction sector. When we're on strike, the province is shut down.

The reason for that in the construction sector is that if there is, for lack of a better word, a principled company whose employees go on strike, it's shut down. If there's an unprincipled company, for lack of a better word, it could continue working, so that's why there was, I guess, no-replacement-worker legislation in the industrial, commercial and institutional, ICI, sector legislation in 1978; or anti-scab labour, whatever you want to call it.

Mr Grandmaître: So what you're telling me is that you're in total agreement with Bill 40 as it is written now.

Mr McMenemy: I'm not really sure I could say I'm totally in favour of Bill 40 as it's written now, because it's not legislation yet. It's a proposal. There could be amendments. I understand Mr Mackenzie said there wouldn't be any more amendments. I understand the NDP has said that, but we don't know. To comment on something that is still potentially changeable, I think, is a little bit premature on my part.

Mr Grandmaître: But I said "the way it's written now."

Mr McMenemy: The legislation attempts, in my opinion, to hit all aspects of Ontario fairly, whether they be worker, whether they be management, and it attempts to create a level playing field, as it is written now.

Mr Grandmaître: I'll pass for now.

Mr Allan K. McLean (Simcoe East): Welcome to the committee this morning. Are you a management or a labour—

Mr McMenemy: Labour.

Mr McLean: You're a labour appointment.

Mr McMenemy: Correct.

Mr McLean: The Ontario Labour Relations Board administers the labour act and administers different jurisdictions.

Mr McMenemy: Correct.

Mr McLean: Are you familiar with the different jurisdictions? The one I want to zero in on is the School Boards and Teachers Collective Negotiations Act.

Mr McMenemy: Well, I'm appointed as a labour sides person for the construction sector. I would seriously doubt that I would be on those cases to any great degree, because my expertise is in the construction sector. Therefore, no, I don't think I would sit on those unless there was an emergency.

Mr McLean: I see. So there's probably somebody appointed from the teachers' federation.

Mr McMenemy: I would guess so. If it's anything similar to the construction sector, there are management appointees to sit as sides people and labour appointees to sit as sides people with their background to have input into the board to get a decision that's fair and just, coming from both ends of the expertise.

Mr McLean: Are there many hearings before the board now with regard to problems to do with organizing?

Mr McMenemy: I'm not aware of any right now, not currently.

Mr McLean: You'll be considering applications with regard to lockout of employees and employers.

Mr McMenemy: I'm sorry?

Mr McLean: You'll be asked to consider applications with regard to lockouts.

Mr McMenemy: Yes.

Mr McLean: What do you foresee as the biggest challenge?

Mr McMenemy: On a lockout?

Mr McLean: Lockout.

Mr McMenemy: I think lockouts right now are part of everyday labour relations in Ontario, unfortunately.

Mr McLean: Do you think there will be more of them once Bill 40 is passed?

Mr McMenemy: My personal opinion is no, there will not be.

Mr McLean: Do you think there will be more organizing take place once Bill 40 is passed?

Mr McMenemy: Personally, no, I don't think there will be much more organizing than is done right now or has been done in the past.

Mr McLean: I guess I should ask you, for information purposes, with regard to a free vote for members.

Mr McMenemy: Members have a free vote currently under the legislation.

Mr McLean: In the legislation now, anybody who wanted to organize could have a secret ballot to vote on.

Mr McMenemy: A secret ballot is a portion of the existing act, currently.

Mr McLean: There has been a lot of discussion in committee, and I haven't been on the committee, only one day, because that's not my area of jurisdiction. But I have observed from some of the reports I have seen where they're asking to have a free vote. Why are they asking, if, as you said, it's already there?

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Mr McMenemy: Under the legislation right now, if you go for a representation vote, I assume that would be classified as a free vote. Again, these comments are based under the legislation we have right now.

Under the act, if you obtain a certain requirement for an automatic certification, there isn't a free vote, but if there is a challenge to that certification or application by the employees, yes, there is a free vote after there's a board hearing and whatever else. But there is a free vote provision in the act currently.

Mr McLean: Just a couple of quick questions, then. Are you self-employed?

Mr McMenemy: No.

Mr McLean: Who do you work for?

Mr McMenemy: I work for the International Brotherhood of Painters and Allied Trades, Local 1795, Hamilton.

Mr McLean: You just work strictly for the union, then. You don't work at any plant.

Mr McMenemy: No. I'm a business manager of a union. Correct. I'm a full-time employee of that local.

Mr McLean: Fine. Thank you.

Mr Waters: To get this straight, your name is being put forward by the provincial building trades council to replace Clive Ballentine, I understand, and you are a labour nominee to the board, which is standard practice with the board.

Mr McMenemy: Yes.

Mr Waters: I'm amazed, so I'm going to ask it, because usually my cohorts across the way ask it and I

wouldn't want them to be disappointed: Do you now or have you ever belonged to any political party?

Mr McMenemy: Yes, I have belonged to the federal Liberal Party and the provincial Liberal Party.

Mr Waters: Why is it that the Labour Relations Act contains separate provisions respecting the construction industry? Can you explain why you're held separately from the rest?

Mr McMenemy: The construction industry and construction workers think differently and act differently. The whole business is different from institutions or hospitals, whatever. It's one of the only occupations I'm aware of that, as soon as the construction worker starts that job, he's working himself out of a job, because upon completion of the job, he's more times than not laid off. It's the rather transitory nature of the business. You could have 10 employers in one given year or you could have one. Right now, you could have none.

It's just different thinking. The contractors we deal with, instead of going after one, two or three contracts like Stelco would, we'll say, our contractors could bid on 50 contracts in the course of the year and get three. It's just a completely different thinking system, a process, and everything is—

Mr Waters: Is there still a lot of hiring out of the union halls?

Mr McMenemy: Yes.

Mr Waters: So that's still going on. That would also lead to why you'd be separate, whereas most people who are unionized elsewhere are with one employer.

Mr McMenemy: Correct, and they're hired through the personnel department. Our employers request X number of persons through our hiring hall.

Mr Waters: I have a couple more questions. I just didn't know whether any of my colleagues were up or not. Okay. When are construction industry grievances arbitrated? If your hiring practices and everything are different and you're held differently with the labour relations class, where do you arbitrate grievances?

Mr McMenemy: The process we have in our collective agreement is that if we can't settle internally, between myself, our committee and the employer, it's referred to the Ontario Labour Relations Board under section 124 of the act, which is now 126 of the act. There's a pre-hearing with a labour relations officer to try and cut quickly to the problem and see if we can resolve the problem quickly, as opposed to referring the grievance to the panel, which is where I—

Mr Waters: The last question would be about the efficiency, I think, of the board. Do you feel the board deals with judicial disputes and that efficiently at the present time?

Mr McMenemy: I can only speak from my personal experience. Yes, I have found the board to be very efficient and very quick with its decision and very thorough with its decision. That's only from my experience.

I have had a lot of experience at the labour relations board on grievances and certifications; not so much like a problem grievance but more a collection of delinquent

health and welfare contributions and stuff like that, a tremendous amount of organizing stuff at the board.

Mr Waters: Those will be all my questions at this time.

The Chair: Fine. No additional questions from members of the committee? Mr McMenemy, that concludes your review before the committee this morning. We appreciate your appearance and wish you well.

Mr McMenemy: Thank you very much.

FAYNE BULLEN

The Chair: The next witness is a familiar face before the committee, Fayne Bullen. Mr Bullen is an intended appointee as a member of the Ontario Municipal Employees Retirement Board. Welcome back, Mr Bullen.

Mr Fayne Bullen: Thank you, Mr Chairman. It seems I'm a favourite person of this committee. I enjoy being here anyway.

The Chair: You were selected for review by the official opposition. We'll give you a minute or two, if you'd like to make some comments before we begin the questioning. If not, we'll move right into questions.

Mr Bullen: I'm prepared to answer questions, Mr Chairman.

The Chair: All right. I'll ask Mr Grandmaitre to begin, then.

Mr Grandmaitre: Maybe you should become a member of this committee. I'm all alone; I have a hard time to find a sub, so maybe you should join us permanently.

Mr Bullen, I know that OMERS is a great organization. I was a member of OMERS for 13 years, I guess, and I know it's a great organization. What is your real interest in becoming a member of the board?

Mr Bullen: Interest alone is not a factor that gets anybody on to the OMERS board.

Mr Grandmaitre: Well, that's a good start, you know.

Mr Bullen: It is a start, of course. I'm saying it's not the only one. As a municipal councillor, one is always concerned about the pension benefits of the people who work for and contribute to the pension plan as municipal employees. That's one factor.

I understand that in order to be appointed by the government to that board, you first of all have to be an elected representative on council. I happen to have known the mayor of Etobicoke. We were friends as teachers and also on the Ontario Education Association, where I served as president at one time, and he also is president. Bruce Sinclair's term is up. He called me and told me he was recommending me to be a member of that board. It seems that the Ministry of Municipal Affairs was interested in having somebody outside the major metropolitan centre sitting on the board. A number of things came together, and here I am before you today.

Mr Grandmaitre: Being a councillor in Orillia, did you know that if you were to become an elected member of the federal government or the provincial government, you couldn't transfer your OMERS pension plan to the

Ontario government or the federal government? Did you know that?

Mr Bullen: I as an elected member?

Mr Grandmaître: Yes.

Mr Bullen: First of all, those efforts are behind me. I did make an effort to become an elected member.

Mr Grandmaître: Yes, I've noticed, a few times.

Mr Bullen: Those efforts are behind me, so I don't have that worry any more.

Mr Grandmaître: But my question really is, do you think this is fair? Maybe I should declare a conflict of interest, Mr Chair, because I've been trying to transfer 13 years of OMERS into my provincial plan, the Legislative Assembly retirement allowances plan. I was told very recently, after a number of attempts, that no, this is impossible. Yet, OMERS being a great organization, its pension is portable just about everywhere else except at the federal and provincial levels. Do you think this is fair?

Mr Bullen: Well, OMERS by definition, is the Ontario municipal employees' pension, and unless you change the definition of the term, you are asking to step outside the limits of it.

1030

Mr Grandmaître: No, not exactly. What I'm saying is that pension plans in Canada, not only in Ontario, are portable.

Mr Bullen: Should be fully portable, yes.

Mr Grandmaître: What do you think of that?

Mr Bullen: Nominate me, and I'll take it up with my colleagues on the board.

Mr Grandmaître: You're already nominated, and all I need to do is congratulate you. What about the Ontario investment fund? I know that your people are not interested in becoming one of the founding members of the OIF. Why is that?

Mr Bullen: You're talking about whether the government should be—

Mr Grandmaître: Whether OMERS should invest moneys in the Ontario investment fund.

Mr Bullen: First of all, if we go back to the history of the use of pension funds by the government that used to more or less occupy the government side here, it's not new to say that pension funds are being used for the benefit and the interests of the government of Ontario. But the main purpose of a pension fund and of a board of directors is to use the pension fund so as to maximize the returns and create the best pension returns for the people who put their money in there. The board of directors will be guided by this, and if maximization of the returns would be achieved by that form of investment, why not use it? It certainly is a decision that the board of directors would have to make.

Mr Grandmaître: I suppose OMERS doesn't have any confidence in the investments of this provincial government, or future ones. They're not interested in becoming members of this OIF. Has OMERS lost confidence in this government?

Mr Bullen: I'm not at present sitting on OMERS, and I can't answer for what decision it made, but certainly there wouldn't be a stick over OMERS voters saying, "You must do that." I think it would be one of the considerations and the options they would have.

Mr Grandmaître: It's purely voluntary. The Treasurer said the government is seeking your support; not only your support, but the teachers and Ontario Hydro pension funds, the Ontario hospital pension plan and so on and so forth. But I've received maybe 400 or 500 letters from members of OMERS saying no way OMERS should get involved in this Ontario investment fund. I thought you knew more than I did about it.

Mr Bullen: If the returns from that form of investment would maximize the benefit for members, should the OMERS board not consider that?

Mr Grandmaître: I'm asking you the question, because you'll have to make those decisions.

Mr Bullen: And in my question back to you, I've given you the answer, saying that the interest of OMERS is to maximize returns.

Mr Grandmaître: So if the OIF would be a good place to invest, you would invest?

Mr Bullen: Certainly.

Mr McLean: I'm curious: When we're talking about OMERS funds, what contribution do the employees make into their pension as municipal employees?

Mr Bullen: A regular contribution. I couldn't tell you the exact percentage. I haven't studied that.

Mr McLean: What percentage do you pay into the teachers' fund?

Mr Bullen: Generally, it's about 6% that people pay.

Mr McLean: I think ours is 9%.

Mr Grandmaître: Ours is 9% but OMERS is 6%.

Mr McLean: I'm looking for information. Is the teachers' pension based much the same as OMERS?

Mr Bullen: Allan, I'm an ex-teacher now. Look at my grey hair.

Mr McLean: Fayne, you're getting a pension cheque, and you know how much it is. I'm curious: If somebody put the same number of years in as a municipal employee, would he get the same percentage of pension, or are they totally different?

Mr Bullen: Of course, again, the percentage of benefits you get would be based on the experience of the fund, but I think in a short answer, yes, it is more or less the same.

Mr McLean: The assets of the pension I guess is about the third largest on the table that I have, like about \$14 billion?

Mr Bullen: Yes.

Mr McLean: The teachers' federation is \$24 billion. The use and the availability of the government to invest those funds, as there has been some indication: Do you agree with that proposal?

Mr Bullen: That's a question I had been wrestling with just previously to your taking over, and I think I answered that question.

Mr McLean: What was the answer?

Mr Bullen: The answer is that OMERS' interest, the pension board interest, is mainly to maximize the return for the benefit of the people who put their money in there. Everything has to be taken into consideration, and the OMERS board would have to look at, first of all, security of investment, the maximization of return and to look for the interest of the people who put their money in there.

Mr McLean: What's your main objective with regard to your duties as a member of the OMERS board?

Mr Bullen: Allan, you know my dedication to anything that I take on. I do it very well. The other thing is the overall interest. Anybody on the board is a trustee for the moneys put in by the contributors to the fund—that's one—and, again, we have to look at the best interest to make the best return for them. Okay?

Mr McLean: Your son was just here watching you. I don't know whether you knew it or not. He must work around here.

Mr Waters: No, couldn't happen.

Mr Bullen: Well, you can't keep talent down, Allan.

Mr McLean: I remember sitting with you on the campaign trail for about three different elections, and you were always against patronage appointments. What has changed your position?

Mr Bullen: I want you to demonstrate patronage, Allan. I'm telling you here that where talent exists, it ought to be used: the maximization of return and benefits.

Mr McLean: You've done about 10 times better than any other administration that I've seen. There's no point going into all those funds. You've two sons who are now working for the government, haven't you?

Mr Bullen: No, I don't believe so. I think Tim is working for Dan Waters. Do you qualify that as working for the government?

Mr McLean: Yes.

Mr Grandmaître: Dan who?

Mr McLean: And the other one is working for Energy?

Mr Bullen: I would have thought it was the Ministry of the Solicitor General.

Mr McLean: It is? I wasn't sure.

Mr Grandmaître: Have you got a list, Al?

Mr McLean: There's quite a list, anyhow. This will be a paid position now, won't it?

Mr Bullen: No, Allan.

Mr McLean: Is this volunteer?

Mr Bullen: It's volunteer, yes.

Mr McLean: I thought it was \$192 a day, according to the book that I've seen. You're saying that it's not?

Mr Grandmaître: No, it's a paid position.

Mr Bullen: It's a paid position?

Mr Grandmaître: Yes.

Mr Bullen: Okay. Anyway—

Mr McLean: You can't let on you didn't know.

Mr Bullen: You can see my interest, because I didn't ask the question of whether it's paid or not. Certainly the money is not the crucial interest to me.

Mr Grandmaître: That's what the government is saying, too: Money is no object.

Mr Bullen: And you believe them, don't you?

Mr McLean: If we were getting Fayne's pension, we wouldn't have to worry about the extra dollars. Anyhow, I wish you well, and I know that your other appointment to the U of T—how is it going, by the way? Is it challenging and interesting?

Mr Bullen: As I just answered to somebody, the university board, the governing council, is a very neck-stressing type of activity. It means sitting on the governing council, and also I selected being on the university affairs board. There is a board of about 52 people on the governing council, and about 26 people or so on the university affairs. I think if you ask the people who sit on those boards, I have, in the short time I've been there, made my contribution. I'm known and recognized for what I have been doing.

1040

Mr McLean: How many meetings have you had, Fayne? Has it been heavy?

Mr Bullen: Well, it's the average of two meetings a month, and sometimes I also sit on what's called a striking committee. So there have been some additional meetings to that.

Mr McLean: Right. Thank you.

The Chair: First I have Mr Frankford and then Mr Waters wants equal time to respond to Mr McLean.

Interjection: You're giving up, eh, Allan?

Mr McLean: I want to keep him as a friend.

Mr Bullen: He loves to bring me here.

Mr McLean: The next appointment he gets, I'll invite him.

Mr Rosario Marchese (Fort York): That's right. Next time he comes before us, he'll be your friend for sure.

Mr Robert Frankford (Scarborough East): As was pointed out over there, participation in the Ontario investment fund would be voluntary, and I note your response that your mandate is to get the best return on investment. As Mr Grandmaître said, there has been a considerable amount of correspondence about the Ontario investment fund. What I have read into it is either a misunderstanding or a rather dogmatic belief that government can't possibly invest correctly and that the investment policies of OMERS will always be for the best decisions in the best of all possible worlds.

I wonder if I could, since you will now be in a position of influencing the investment decisions of a very substantial capital fund, just raise one or two broad issues around investment. I've read in OMERS that one of its objectives is to have 15% of its portfolio in real estate, and what I

read was that it hadn't achieved that objective yet, but this was still stated as an objective. Do you have any thoughts on how they should balance their portfolio and whether they should be that much in real estate at the present time?

Mr Bullen: As we all know—and I'm involved with some real estate too, personally—real estate is a good inflation-hedger type of thing. The value remains there even in the worst of times, and certainly, as we know, this is an excellent time to buy and a bad time to sell. But it seems there are good investments and there are bad investments in real estate, and I think the OMERS board is aware of that. For instance, it would be a foolish time to go into office blocks right now. It may not be a bad investment to go into the acquisition of land or into the acquisition of shopping malls or something. It all has to be looked at.

Mr Frankford: If you look at the OMERS real estate report, it does seem as though it's primarily in commercial real estate, and I think you can also see that in their equity portfolio they're quite heavily into Bramalea, so—

Mr Bullen: I'm not in a position to know all the inside of this factor yet, but Bramalea, there may be a good possibility there for investment, but I cannot be firm on this. You have to look at the portfolio and see what it is.

Mr Frankford: Okay, but when you're on the board you obviously will be looking very closely at the portfolio of the different equities that are held.

Mr Bullen: Yes.

Mr Frankford: Okay. Can we move into another investment area, and what I personally would consider ethical investments. If you look at the portfolio, and the most recent one I have is their annual report from last December, 5.31% of their foreign equities were in the Philip Morris tobacco company—\$41 million. Do you have any thoughts about whether that is the sort of investment you would like to see?

Mr Bullen: This has to be balanced against what I consider to be the major objective. The major objective, as I stated before, is to maximize return benefit. There are certain factors that would ameliorate that. For instance, the government policy has been that we would scale down investments in South Africa until things changed. We've got to respect those sorts of things.

There hasn't been a firm decision yet that there would be no investment in tobacco or smoking. We know the negative effect of smoking, but still there isn't a legislative direction that there should be no investment in tobacco or the tobacco industry.

Mr Frankford: I would say there's something of a legislative direction in that the Ministry of Health will be taking measures to discourage smoking, and this is not something that's being taken likely.

Mr Bullen: Certainly, a wise investor would say that you don't put a large amount of your portfolio into the tobacco industry if later on the effort would be to downsize the industry. So it wouldn't maximize return to do that.

The Vice-Chair (Mr Allan K. McLean): Other people want to ask questions.

Mr Frankford: Okay. So in their small equities capitalization fund, you would be uncomfortable with \$6 million invested in Rothmans?

Mr Bullen: I would look at it and see, because there is a factor to be looked at.

The Vice-Chair: Mr Waters.

Mr Waters: I was going to let Ms Carter go first.

The Vice-Chair: It doesn't matter; you're both on the list.

Ms Jenny Carter (Peterborough): I think we've covered the ethical side of investing. I'm very clear that you put the maximization of returns first, and that's fair, but do you feel that there's a social responsibility there, too, to use that money in a way that helps Ontario to be a prosperous society and which therefore benefits all its citizens?

Mr Bullen: I certainly think so, but it would take a secondary position to maximizing returns for the benefit of the people who put their money in there.

Ms Carter: Yes, but as I say, obviously if the economy as a whole doesn't hold up and this organization has very large sums of money to invest, so that it can make some impact on the total situation, do you feel any responsibility to invest in ways which help to strengthen the economy?

Mr Bullen: Certainly, and as I said earlier, it was my recollection that this was done by the Bill Davis government and it was done by the John Robarts government. It was done by the governments in the past; they used the pension fund to support the development of Ontario. I don't see why this government should do anything differently, but it's not the government that makes the decision about it. It's the pension board that will make the decision.

Ms Carter: But would you feel any responsibility, as a member of the board, to look at that as one factor when you're deciding what your portfolio will be?

Mr Bullen: I want to be very clear on this. Yes, I feel some responsibility but not the primary responsibility; the primary responsibility is to look after the people whose money is put in there.

Ms Carter: Of course, remembering that if the economy collapses, then we're not able to pay our pensions anyway.

Mr Waters: I just wanted to get back to a couple of your statements, Mr Chair.

The Vice-Chair: Are you going to ask him if he's got a membership?

Mr Waters: I think we can all assume that he has held a membership in one of the three political parties that are prominent in the province, but I can also recall that shortly after the election—Mr Bullen and I have been colleagues for a number of years—he asked me to recommend his sons for a job, and I turned down that.

Mr Bullen: That's right.

Mr Waters: I refused because I didn't know his sons. Now I can tell you that he should be very proud, because in a short period of time his sons have made a very big name for themselves within caucus, and they're doing very

well. In fact, I went from a person who wouldn't recommend them to a person who actually hired one of the twins.

Mr Grandmaître: Frankly, you're very cheap on salaries.

Mr Waters: I am, you know. I make them work long and hard for it. Whom have you spoken to about serving on the board?

Mr Bullen: So far, as I've mentioned, Bruce Sinclair, mayor of Etobicoke, was the first person who called me about it. I went into the OMERS office and spoke to a director on OMERS and met a number of the board of directors. Certainly, the Ministry of Municipal Affairs has spoken to me about it.

1050

Mr Waters: Thank you, that will be all my questions.

The Vice-Chair: Thanks for appearing.

Mr Bullen: May I just add that your recommendation of me to sit on two committees, however, is not what the government is recommending. They are asking me to give up the university board, that I forsake that position.

Mr Grandmaître: Mr Chair, can I ask a question? Who asked you to resign?

Mr Bullen: I think it's part of the policy of the public affairs committee.

Mr Grandmaître: It's a policy? Mr Chair, we've had people sitting on a number of boards and committees. Thanks for the information.

MEENA DHAR

The Vice-Chair: Next is Meena Dhar, the intended appointee to the Ontario Municipal Board. Welcome to the committee this morning. This is a half-hour review. If you have any opening remarks, we usually divide whatever time is left between the three parties. If you have a couple of opening remarks, fine. If you haven't, we'll go right into questions.

Ms Meena Dhar: The only remark I have is that I'm very happy to be here. I believe you do have my résumé in front of you, so I'll be happy to answer any questions. I understand this is a very important part of the process of appointments, so I'm glad to be here.

The Vice-Chair: Thank you. You were selected by the official opposition, apparently.

Mr Grandmaître: Looking over your CV, you're well qualified to be a member of a great organization. I know your chairman always calls it a great organization, a great board. Having all this experience in community and neighbourhood planning, urban planning, what are your thoughts on the OMB, its role and its future role? How would you like the OMB changed to reflect the realities of 1992?

Ms Dhar: I agree with you. I've always believed that the Ontario Municipal Board is a very credible and extremely well-respected institution.

Some of the issues facing government today are with respect to economic growth and development and with respect to the environment. I think the Ontario Municipal Board plays a key role in both of these.

In terms of how it might change in the future, there are many thoughts about it. I think because of the commission that's being appointed, there's a lot of talk and discussion going on about planning and development reform in Ontario. Some of the issues that have come up have to do with faster turnaround, and looking at appeals, what are some ways of streamlining what happens at the board. If you like, I can go into a little detail there.

Mr Grandmaître: Sure, fine.

Ms Dhar: Some of the issues have been, does everything have to come to the board or are there alternative ways of dealing with disputes? Can they be mediated in other ways so that there aren't such lengthy hearings? Because, of course, delay means loss of revenue and delays development.

The other issue that has come up is how the Ontario Municipal Board is going to look at issues respecting the environment. There's some talk of combining the appeals under the Assessment Review Board with the hearings that come up under the Ontario Municipal Board so that there isn't duplication and all of these issues are looked at together. I see the board doing more of both of those.

Mr Grandmaître: Good answer.

At the present time—I shouldn't say at the present time. Planning has always been a very critical element at the municipal level, and at present Mr John Sewell and Mr Dale Martin are involved in speeding up the process. As you pointed out, the process should be speeded up. My question is about backlog. Your chairman appeared before this committee complaining about the backlog and the number of new members who should be appointed to erase this backlog. As a municipal employee—you're still with the city of Toronto?

Ms Dhar: Yes, I am.

Mr Grandmaître: What has been your past experience as far as backlog is concerned?

Ms Dhar: With the Ontario Municipal Board?

Mr Grandmaître: Yes.

Ms Dhar: It varies. Towards the last few years of the 1980s, there was a tremendous amount of development dealt with by municipalities, particularly in the city of Toronto, so there was of course a lot of development happening. As a result, like in any very urban environment where there are a lot of different interests, there were lots of disputes about development, so many more applications got referred to the Ontario Municipal Board, and I believe the waiting period was somewhere upwards of one year.

Some applications were dealt with a bit more expeditiously if they had federal or provincial grants for social housing that were going to run out, but other than that it did take a long time.

Mr Grandmaître: I've had the same experience with the OMB. Because of this backlog, some people—I'll be very honest—some politicians have put a lot of pressure on the OMB to speed up the process or the hearings. What are your thoughts on this kind of pressure being exercised by politicians?

Ms Dhar: It's a worthwhile thing to speed things up. There's no doubt about that. I don't know what pressure has been put, but in my discussions with the chairman and in other discussions that have gone around the province, everybody agrees that there should be other ways of dealing with the appeals. Particularly in complex issues, for instance, it may be possible to narrow the issues, to scope them a bit so that everything doesn't get dealt from the first principles. There are many things that people agree upon, so the area of dispute can be narrowed and that could speed up the hearing.

So a slightly different process of conducting the hearing: I think that's a worthwhile thing to pursue and I know the chairman is looking at those types of ways of doing things. Perhaps now that the Ontario Municipal Board is now under the Ministry of Municipal Affairs, which is a ministry concerned with municipal matters, and the board is a municipal board, there is a genuine feeling that something should be done about streamlining and speeding up approvals, and I think it is happening.

Mr Grandmaître: You wouldn't feel pressured if I were to write you when you become a member to use your influence and speed up a constituent of mine? You wouldn't feel offended?

Ms Dhar: I don't think it would be my place to receive such mail in the first place, but—

Mr Grandmaître: No, but if I was to write to you.

Ms Dhar: I would take it to the chairman and ask him to deal with the matter.

Mr Grandmaître: Knowing Mr Kruger, I know what he'd do with my letter.

1100

There's been a lot of talk about intervenor funding. Do you think intervenor funding, as far as the OMB is concerned, would be a good thing?

Ms Dhar: Frankly, I have not given it too much thought. I know there is the Intervenor Funding Project Act and that in many environmental issues funding is provided. I was reading through Mr Sewell's commission's recommendations and one of the things he had said is that this matter should be given some consideration.

The issue, of course, is who pays for the intervenor funding. I know, just working in a municipality, that municipal councils are not too happy about funding people to oppose them and that's been a bit of a problem. Their view is that we have an adequate staff. Now, this is a very big municipality, of course, but that's where many of the complex issues occur. The staff is there; in fact, part of the job of the staff is to involve the community in every aspect of whatever goes on at all different stages. So once council makes the decision, should they really be stuck with the cost of paying people to oppose them? That's one issue that's come up.

The other issue is that if the developer is asked to pay the cost, then it begins to add to the cost of development and gets passed on, in the end, to the consumer.

There are many questions that are unanswered. I think what the Sewell commission is saying is that if there is a very complex issue of a larger public interest, much more

than just the individual application, then in those cases it might be advisable to think about how intervenor funding might be provided because, if it's a citizens' group, they do not have access to a lot of money. I know there are a whole lot of problems that need to be resolved.

The Acting Chair (Mr Mike Cooper): Thank you, Mr Grandmaître.

Mr McLean: The appointment process has been discussed. Back in 1988, it was a standard three-year term for appointments to agencies, boards and commissions. What is the standard term of appointment now to the OMB?

Ms Dhar: It's three years.

Mr McLean: What is your background? I haven't got your background. Are you a lawyer?

Ms Dhar: No, I'm not. I have a degree in architecture and a master's in urban planning. I have about 17 years of experience in municipal planning, the last seven years in a fairly senior position as a manager.

Mr McLean: So you've appeared before the OMB on many different occasions.

Ms Dhar: I have appeared several times.

Mr McLean: Have you lost a few times?

Ms Dhar: I've never lost.

Mr McLean: Well, that's interesting. Mr Cooke, the Minister of Municipal Affairs, had made some comments with regard to trying to change the approvals for official plans, to try to get that process—there's hundreds of them, zoning bylaws. What is your opinion on that? How could that be changed to get rid of a whole bunch of those approvals as necessary? I think I read in the paper that municipal council is going to be able to do that. What is the update on that?

Ms Dhar: My understanding is that that recommendation is not coming from the minister. Perhaps it's a recommendation that's come out of the reform of planning and development in Ontario, from the Sewell commission. I think what the Sewell commission is saying in broad terms is that the province should spend its time making policy and developing strategic plans, providing information in an advisory function to municipalities, instead of doing all the approval of their various applications, because it's a very cumbersome process. The commission is advocating that municipalities, both upper and lower tier, should have the responsibility of approving their own plans and considering amendments to them. Then, of course, in case of dispute or objection, the whole matter can come before the Ontario Municipal Board.

Mr McLean: That's one of the recommendations this committee made in the review we have done with regard to the OMB. We should consider some sort of penalty or disincentive for municipalities which fail to update their official plans expeditiously, as a means of reducing appeals to the OMB. That's one of the recommendations this committee had made. Another one being recommended is that the Attorney General consider removing assessment and minor variance appeals. Would you agree with that recommendation: take minor variances away from the jurisdiction of the OMB?

Ms Dhar: I don't know much about the assessment appeals, but in terms of the minor variances, the only question in my mind is that if they are taken away from the Ontario Municipal Board, what is being recommended is a separate body at almost every regional level to review such appeals, which of course means creating more appellant bodies. I'm not sure whether that actually saves time. Maybe it does.

Mr McLean: I'm not sure I remember the comments you made to the previous questions with regard to extending intervenor funding. Do you agree with that? What is your view of extending intervenor funding?

Ms Dhar: I think what I was saying is that I think there are some problems that need to be addressed with intervenor funding in terms of when it should be provided, for what kinds of disputes and who should pay the cost of intervenor funding. What I was saying is that in my experience, municipal councils are not too happy about providing funds to fight them. What is being discussed is that perhaps municipalities should provide grants to groups just for their development, not just for fighting municipal councils and their decisions. So that becomes a bit of a problem. If the costs are awarded to the developer, then that again increases the cost of development. There have to be some answers to those questions, I think, and there are ways of doing that, I'm sure.

Mr McLean: Are you aware of what happened here lately? A letter was sent to the chairman with regard to trying to proceed with an OMB approval, to get it higher on the list. Are you familiar with any other types of organizations that write the chairman? Is this a continuing thing that's going on? I don't know.

Ms Dhar: I'm not aware. Of course, I'm not at the board right now, so I wouldn't know.

Mr McLean: I'm sure the chairman briefed you this morning on that very question, that you would be asked that. He probably briefed you on what the answer should be.

Ms Dhar: No, he didn't brief me. I actually read this in the paper and I read his name. I think what he said was that he was going to deal with the matter as he felt appropriate.

Mr McLean: Yes. I think he said in the Sun that it wouldn't make any difference whether he got a letter or whether he didn't.

Ms Dhar: I think that's what he said.

Mr McLean: I think it would be poor judgement on anybody's part to send a letter to the chairman to ask for that. However, he likes his job too and he's not going to comment too tough on that one.

The number of applications, the waiting period and the workload of the OMB, has that been decreased from what it used to be, 13 or 14 months? They wanted to get it down to seven months. Are you aware? Not being on the board, I'm sure it would be difficult to know, but I was just curious if you were aware of the workload.

Ms Dhar: I think it's still about 12 months plus.

Mr McLean: Thank you for appearing. I wish you well.

Mr Frankford: There's always a great deal of interest in the OMB in my riding of Scarborough East. You've discussed intervenor funding, but do you have any other thoughts about improving accessibility to the OMB by residents' groups and individuals and also helping them to make the best case?

Ms Dhar: Just in my experience, I feel the OMB is a very accessible institution. In the hearings I have attended, the board members really try to make people feel that their views are going to be heard, that they are interested in public participation. They will even have their meetings in the community. They will set aside specific times to hear members of the community and extend the dates if necessary.

There is always this issue of cost, because not everybody can hire a lawyer and pay him lots of money to defend his cases.

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In my discussions with the chairman, as well as what Mr Sewell is talking about, there may be other ways of mediating in the community, like if there is a dispute, to see whether an independent arbiter like the OMB can help to mediate some of those conflicts at an early stage. Some cases may not need a full hearing; in other cases it might get narrowed down to a point that there may be only one or two things that are in dispute, so the hearing can be a lot shorter and can be much more focused.

Part of it also is that this could be a sort of way of educating the community about how best to present its case, because people often feel that they are appearing before the board as if it's a rerun of the entire council meeting. I don't think that's what the board is there for.

Mr Marchese: I want to welcome you here today, Meena. I read very recently, two months ago, Crombie's report, *Regeneration: Toronto's Waterfront and the Sustainable City*, and found that to be a fascinating read. You probably read much of it. It was very long. I read 350 pages of it; I think it was 450 pages, or 500. Mr Crombie argues that traditionally urban planning has suffered from an overriding preoccupation with economic growth. He says, "In contrast, the ecosystem perspective adopts a holistic approach to the planning of human settlements, one which integrates environmental, social and health concerns into urban planning."

There are a number of other reports coming from different ministries that speak to the same issue, where they talk about land use planning, adopting an ecosystem approach which recognizes the interaction of air, land, water and living organisms, as well as the interaction between the built and natural environments.

I don't know to what extent we are taking into account these questions as we adjudicate on certain matters. If we are, that's great. If we're not, do you believe that this is something we should be doing, or that at least members should be addressing in some way or other?

Ms Dhar: I think it's unavoidable. I think everybody has to address the environmental issues. By the way, I did not read the whole thing. I have been preoccupied reading Metropolitan Toronto's official plan and the city of Toronto's official plan, which have all just recently come

out. What I'm trying to say is that both of those plans take very much that approach, that you cannot compartmentalize this issue of planning in terms of managing urban growth and change, but the environmental issues are going to be looked after by somebody else.

In fact, the main thrust of both of those plans is that whatever change happens—which must happen, and it's good—must take into account all the environmental issues, and that means policies regarding waste reduction and in terms of intensification, to ensure that there is energy conservation, that there is water conservation, that there are policies about protection of the natural aspects of the environment and actually saying which are the sensitive areas and which are the natural areas that need protection. All those things are part and parcel. In other words, they are an integral part of all planning and not seen as something that's done afterwards or taken into account.

Ms Carter: I was very happy to hear that last part. Obviously you're very well qualified because you've been a planner with the city of Toronto for a long time and you've obviously moved up in that, but you also have a lot of volunteer experience. I understand that you even received the Women of Distinction Award in Toronto for your services. Do you feel that the kind of experience you had as a volunteer is relevant to this position?

Ms Dhar: I think it is. As a municipal planner, you see, you never make any decisions; you make recommendations.

Mr Grandmaître: That's news.

Ms Dhar: But in your volunteer work, very often—and this is a good experience—on the board of directors, for instance, you do get a chance to make policy decisions.

A lot of my work has also been in conflict resolution—I've done a lot of workshops—and I think that would be useful at the board. I think also my understanding of the community perhaps makes me more sensitive.

Ms Carter: I see you've worked with low-income families, for example, and women's groups. I don't know whether I'd call that a worm's eye view, but it certainly is different from the view from the top you get maybe in other respects. Do you feel that gives you a different line on what the consequences of planning might be than you'd otherwise have?

Ms Dhar: I think so, although I have been at variance sometimes with—I mean, I have to put on my planning hat, but I think even then it does give an insight into what it's like to be at the other end.

Ms Carter: And whether you're creating real communities or whether you've just created something that may look nice on paper and is technically very clever but not so practical for people?

Ms Dhar: That's true.

The Chair: No further questions? Ms Dhar, that concludes the review and your appearance here this morning. We appreciate it and wish you well.

Ms Dhar: Thank you.

ERNIE SANDY

The Chair: Our final witness for the morning is Mr Ernie Sandy. Mr Sandy is an intended appointee as a member of the City of Orillia Police Services Board. Mr Sandy, would you like to come forward and take a seat, please? Welcome, sir. If you'd like to make a brief comment, a minute or two, feel free. If not, we'll get right into the questioning. Any comment, or would you like to move on to the questioning?

Mr Ernie Sandy: I would like to simply state that I am proud of this opportunity for the police committee, and I'd also like to take this opportunity to thank the official opposition for appointment. I don't know who that is, but nevertheless, thank you. I welcome this opportunity to serve on the Orillia police commission, or whatever the official title may be, because it will give me an opportunity to learn the insides of what goes on on the police commission, and with that knowledge I can transfer back to my community, or communities, to know what the police commission is all about, I guess. I got a phone call last night to help set up a police committee again back where I come from, Christian Island, so in essence this will be very beneficial to me.

Mr Grandmaître: Talking about your background, you were chair of the Beausoleil First Nation Police Committee.

Mr Sandy: Yes.

Mr Grandmaître: Can you tell me what this police committee was all about?

Mr Sandy: I guess in essence what we were trying to do was to establish—well, we have established it. There is a native police force on Christian Island. Christian Island is actually a first nation, and what we essentially are trying to do is guide the actions of our police force.

Mr Grandmaître: You had an actual police force?

Mr Sandy: Yes, there is a police force. They're constables, I guess, special constables, and essentially our mandate was to guide them in their actions, much like the police commission would do.

Mr Grandmaître: What was the responsibility? When you say "guide them," what's your main responsibility? Did you hire these people? Did you give them a mandate?

Mr Sandy: Yes. Part of our duty was to hire them and also, the other end of the scale, to fire them if need be. That's part of the mandate.

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Mr Grandmaître: How many constables are part of this?

Mr Sandy: We have three. Prior to my leaving we had two, but we had recently hired a third one. It was a process that we as a committee went through.

Mr Grandmaître: Were these constables armed? Did they carry a weapon?

Mr Sandy: Yes, they do. They go through the same training that the OPP go through at Aylmer, Ontario. So they're essentially qualified to carry arms.

Mr Grandmaître: I see. They were trained through the OPP college or the Aylmer—

Mr Sandy: Yes, in Aylmer, Ontario. They have the same training as OPP, Ontario Provincial Police.

Mr Grandmaître: What are your thoughts on job action? It's on everybody's mind at the present time. Everybody is very, very concerned, because we have grown, in the province of Ontario or as Canadians, to respect police officers, police forces. I'm a little disturbed, a little concerned about what's going on at the present time, especially in Metro, and now it's spreading right across the province of Ontario because of some major changes in the police act. What are your thoughts on what's happening right now?

Mr Sandy: I may not be totally familiar with all the issues, but somehow the police are detached from society and I think we need to bring that back into the realm of our people, be it native or non-native. I think it's somehow alienating itself from the community or from society. We have a tendency to have fear for our police, which is not justifiable, because they're fathers and family people. This probably relates to a question later on, but I think we have to give them more exposure to the community. They have to be friends of the community. That's essentially what I'm trying to say.

Mr Grandmaître: I realize what you're saying. They have to be better trained and be part of or involved in their community, much more than they are now. I realize this, and this is, I suppose, one of the reasons most municipal forces at the present time are creating new community police committees. They're inviting people to participate, and also police officers to be better seen in the eyes of the citizens.

But right now, some major changes are taking place: for instance, any time a police officer draws his gun, he would have to write a report, and the use of force and so on and so forth. Do you think we're tipping the scale too much?

Mr Sandy: I'm reasonably familiar with the current situation in Toronto. One would have to think that with the size of Toronto, there may be some justification in being able to draw your gun in the event of being in danger of your life. My own personal view is that to have to fill out a report every time you draw a gun may be a little, as you say, tipping too far over into constraint on the performance of an officer.

To put that into perspective, I think in some cases—it would have to fit geographically. Out in municipalities that are a lot smaller, Orillia, for instance, if we had to compel the officers to fill out a report every time, I don't know how extensive it is. But to fill out a report every time they drew their gun would sort of hinder their performance and take them away from their duty.

Mr Grandmaître: Second guessing. I think it's very dangerous, personally. Do I have more time?

The Chair: You're fine. You've got another three minutes.

Mr Grandmaître: Let's go back to Orillia, more specifically. How familiar are you with the composition of the police force in Orillia?

Mr Sandy: I took the opportunity yesterday to visit the chief inspector, Francis Smith. He gave me a rough idea, rough statistics of the makeup of that police force, so I have those figures. I don't have them on me right now, but I have the figures. I'll probably learn more about it as I become acquainted.

Mr Grandmaître: But you are familiar with Orillia, though?

Mr Sandy: I am familiar with Orillia, yes. We live just outside of Orillia.

Mr Grandmaître: Do you think the Orillia Police Force really reflects the composition of the city?

Mr Sandy: Yes, I do.

Mr Grandmaître: Do you think municipal councils should have more of a say in police budgets? After all, they're paying 80% of it. Do you think they should have more representation on the police services board?

Mr Sandy: Yes, I do.

Mr Grandmaître: Yes, you do?

Mr Sandy: Like representation from whom?

Mr Grandmaître: Municipal councillors, for instance, because after all, they're paying the shot. I don't know if you know it or not, but a police services board can table a budget and city council has very, very little recourse to turn down that budget. Did you know about this?

Mr Sandy: I'm not familiar with the overall municipal government structure for that. That's something I would learn in due course.

Mr Grandmaître: Thank you.

Mr McLean: Maybe I can just follow up on that. Welcome to the committee, Mr Sandy. I think Ben had indicated that 80% of the police budget is paid for by the city, 20% by the province, and the province has three appointments and the city has two. I guess what he was trying find out is whether you think that is fair, or should it be the other way around, the city have three and the province have two?

Mr Sandy: I believe that's a fair equation.

Mr McLean: Three for the province and two for the city?

Mr Sandy: Yes, because primarily my representation for the city of Orillia—we can narrow it down to tax payments. My representation on the Orillia police board will come in the form of education taxes from my people into the city of Orillia, and that would justify a vested interest in the police.

Mr McLean: Do you pay taxes in the city of Orillia?

Mr Sandy: We pay taxes in Orillia in the form of education, a tuition agreement.

Mr McLean: But yourself, do you pay—

Mr Sandy: No, I pay taxes outside of Orillia: Rama township. That's part of the province. Indirectly, the

education is where we would pay taxes, tuition agreements. So it would be part of the contribution.

Mr McLean: Who asked you to apply for this appointment?

Mr Sandy: Actually, it was me. I submitted my name to the appointments committee about nine months ago, and I was glad to get this one.

Mr McLean: To the appointment committee where at?

Mr Sandy: Here in Queen's Park.

Mr McLean: Oh, through the book you had.

Mr Sandy: Yes.

Mr McLean: I see you have three references. They're pretty good references.

Mr Sandy: Yes. Thank you.

Mr McLean: I know Fayne Bullen. I know Roger Pretty. I know Dennis Bailey. They're all NDP candidates.

Mr Bradley: Not NDP candidates? I'm surprised to hear that.

Mr McLean: I'll bet you are. Some of the guidelines for serving on boards in police services across the province are knowledge of the community, involvement in the community, doing things within the community. What is your involvement in the city of Orillia?

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Mr Sandy: My involvement with the city of Orillia, other than shopping, is native representation; there's a lot of people living in Orillia. If I sit on the police services board, I think we'd have someone to overlook, you know, native people coming into Orillia.

Mr McLean: So you think there should be somebody on the board?

Mr Sandy: I strongly believe so. It's to have representation with diversity.

Mr McLean: Are you familiar with the information and privacy act?

Mr Sandy: Not to a great extent, but I've heard of it.

Mr McLean: What about the employment equity proposals we've talked about with regard to the police force? Do you think the number of females and the number of males in the Orillia police force is in line with what there should be?

Mr Sandy: Yes.

Mr McLean: Good. Thank you, Mr Chair. I wish you well.

Mr Marchese: I just have one question. I was interested in the question Bernard Grandmaître asked with respect to the use of firearms and having to make a report if you draw a gun in public. I forget the words M. Grandmaître used about second-guessing and how dangerous it is.

Mr Grandmaître: Yes, for the police officer.

Mr Marchese: Right. I think you were in agreement more or less with that opinion. I have a difficulty with that. My opinion is that if I draw a gun in public and I have to make a report on that, it's not a big deal for a police officer to report why the gun was pulled out in public.

I'm not going to ask for your view, but my view is that if the police have to use the firearm, he or she will use it. If the policeman or policewoman is put in a situation where the firearm has to be used, I don't think the police person will say: "I'm not going to draw it now because I'm going to have to file a report, and this is serious. I'd rather get killed or get shot than have to write a report." Surely, if you draw the gun, there's a reason for it. If you have to defend yourself, you will use it, and you make a report based on that. Is that a big deal? Is it a big problem for the police officer to do that?

Mr Sandy: May I comment on that? I'm not saying the choice should be between filing a report and using a gun. Obviously, an officer would draw his gun when the situation arises. He would not be in his right mind, to put it that way, to say, "Should I or shouldn't I?" The question arises from this. What seems to be the problem in Toronto? Why are they having a dispute over it if it's no problem?

Mr Marchese: The point is that this is the regulation we've passed. It appears the police officers are saying this is a serious problem for them, that it's a health and safety issue. I don't see it that way. I think you were agreeing with M. Grandmaître who was saying that it's a problem. I'm saying it's not a problem. I'm saying, why is it a problem for the police officer to write a report if he or she draws a gun?

Mr Sandy: That's what I'm asking.

Mr Marchese: Oh, I see. I misunderstood you, because when M. Grandmaître asked that question, you said it would be a problem for the police.

Mr Tony Rizzo (Oakwood): That was my understanding too. What do you think? That's what we want to know.

Mr Grandmaître: They shouldn't have to write a report? Is that what you're saying?

Mr Sandy: They shouldn't have to report. Like I mentioned, it's a hindrance to their performance.

Mr Grandmaître: Thank you.

Mr Marchese: Why? I don't see that it's a hindrance. Why is it a hindrance?

Mr Sandy: Instead of being out carrying out their duties, they're in their office filling out reports. You don't see any problem with having a report, is that it?

Mr Marchese: No, I don't see any problem with that. I don't see what the health and safety issue is all about. I really don't see it. We're saying that if a police officer is to draw his gun, we'd like to know what public circumstances forced that individual to do that. I think it's a public accountability mechanism, and I think it's all right for the police to do that, but they're opposed to it.

The Chair: Ms Carter, you had a comment or question?

Ms Carter: I'll just pursue that same question for another minute. Did you know that some police forces in Ontario, and I believe elsewhere, are already doing that, are writing reports, and that it's not perceived as a big problem?

Mr Sandy: I don't want to be interpreted as saying there's a problem with it or there's no problem with it. If procedure calls for justification and accountability, by all means.

Ms Carter: If I were a policeman, which I don't think I'm ever likely to be, but if I were faced with a situation of real danger, I don't think that the fact that I might have to write a report would cause me to hesitate. I don't see that as such a big deal. Anyhow, we're talking about Orillia here. Do you think the police ever have to draw firearms in Orillia? Does it happen?

Mr Sandy: I certainly hope not, but given the circumstances, I don't see why they can't. They shouldn't let filing a report be a hindrance.

Ms Carter: I see that in Orillia your local police chief is already moving in the direction of neighbourhood policing and good relations between the community and the police and so on. They're actually looking at using bicycle patrols rather than driving around in cars. How do you feel about that whole attitude?

Mr Sandy: I feel that's very good for public relations, once again, to take away this barrier, this feeling about police. I think foot patrols are very good, as we've come to identify police cruisers as some sort of threat to our security. I think bicycle patrol and that type of thing is very good. It's good to be close to our officers.

Ms Carter: So hopefully, in an atmosphere like that, we won't be looking at much weapon-drawing anyhow. Do you have any particular feelings about when the police are called in on a domestic dispute or something of that kind? Do you feel that police have a responsibility there, say if a husband and wife are having a row?

Mr Sandy: As keepers of the peace, I believe they have some sort of responsibility to ensure safety.

Ms Carter: You feel that the police should protect a wife from her husband if it seemed to be necessary?

Mr Sandy: Oh, very much so. "Limited force," I guess, would be the phrase I'm looking for. As keepers of

the peace, order and good government, I believe he or she has a responsibility for that.

Ms Carter: I see you've been the police committee chairperson of this Beausoleil First Nation Police Committee. Could you tell us some more about that?

Mr Sandy: One of the other ideas behind it is to ensure that there is more training for our police constables; there is always continuous training. It was a very grass-roots type of police force. There were people from the community. Both officers were from Christian Island.

Ms Carter: Is that an improvement on the kind of policing that, presumably, you had earlier, where it wasn't native people themselves involved?

Mr Sandy: It was definitely an improvement.

The Chair: Nothing further? Mr Sandy, that concludes your appearance before the committee. Thanks for coming down today. We wish you well.

Mr Sandy: Thanks very much.

Interjections.

The Chair: Okay, the meeting isn't over yet. We have to have a motion in respect to the witnesses who appeared before us today. Is it the wish of the committee that we deal with them in one motion?

Mr Waters: So moved.

The Chair: Mr Waters has moved concurrence in the intended appointments that have been reviewed by the committee this morning. Any discussion?

All in favour? Opposed? Motion carried.

I remind the subcommittee that we have a meeting. We could do it now, if you wish. Al, do you want to stay around?

Mr McLean: Yes.

The Chair: Okay. The other thing is to mention the new agenda, because there were some problems last week in terms of the agenda. The remainder of this session will be coming out to you in the mail this week, maybe even today. Meeting adjourned.

The committee adjourned at 1142.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 4 November 1992

The committee met at 0938 in room 228.

The Chair (Mr Robert W. Runciman): Come to order, please. I'm going to see a quorum.

Mr Rosario Marchese (Fort York): Nobody's here, Bob.

The Chair: Well, this is it.

The first item on the agenda is the report on the subcommittee business; that was attached to your agenda. Do any members have any problems or concerns or questions in respect to the subcommittee report? If not, we'll move on to the next item of business.

Mr Marchese: Mr Chairman, do you want a motion to receive the report?

The Chair: We take it as received unless there's a problem with it.

APPOINTMENTS REVIEW

Consideration of intended appointments.

SHELLEY O'NEILL

The Chair: This is a one half-hour review of the intended appointment of Shelley O'Neill as a member of the Metropolitan Toronto District Health Council. Ms O'Neill, welcome to the committee; come forward and take a seat. Would you like to make a few brief comments before we begin the questions?

Ms Shelley O'Neill: Just to tell you that I am a registered nurse in this province, that I currently sit on what's called the hospital services realignment committee out of the Metropolitan Toronto District Health Council and I'm interested in being a full member.

Mr Robert Frankford (Scarborough East): Welcome. I guess you were working at Women's College.

Ms O'Neill: I was, yes.

Mr Frankford: And you were around at the time of the proposed merger?

Ms O'Neill: Yes, I was.

Mr Frankford: Do you have any thoughts on what district health councils should be doing in cases like that?

Ms O'Neill: Can I give you a bit of brief history about Women's College? Would that be appropriate? It was a time when the hospital was experiencing a deficit. That CEO and the board made a decision to merge with the Toronto Hospital Corp, and they just made that decision. We, the nurses, felt this wasn't appropriate, that they hadn't looked at all of the proposals, that there needed to be some more investigation, and we took a position that we were opposed.

I think the district health council's role is, as it does now, to review service programs; it's there to review if hospitals decide to cut programs or if they want to expand.

The role of the district health, from my perspective, is to look at all of that and to decide whether it is necessary or not necessary, based on what your community looks like.

Mr Frankford: As I recall, at that time there was considerable public interest in the whole question.

Ms O'Neill: Women's College Hospital has a defined community. It doesn't mean that Women's College Hospital's community is downtown Toronto; it has a community that's far-reaching. It had a very strong community and a lot of support, people who really cared about its culture and felt that it would be lost.

Mr Frankford: Do you have any thoughts about how the community could be better articulating itself or could be better represented?

Ms O'Neill: I think what hospitals are doing now, in the last year and a half—it's a step in the right direction—is that they're forming community advisory boards and they're inviting the community to sit on them and participate in some of the decision-making. I think communities really don't know what's going on in the institutions, and they have to be brought in. So it's a step, and I think the district health council has a role to play in that too; you know, increase that profile.

Mr Frankford: Speaking of community boards, there is an eastern health area community advisory board. How do you see bodies like that fitting into the district health council, the overall planning of an area?

Ms O'Neill: There's a mechanism now. The eastern community health board you're speaking of is a division of the Toronto board of health, and the Toronto board of health appointed a member of the Toronto board of health to sit on the district health council. So there is a form of communication. I think there has to be more dialogue between the district health council and those types of bodies. To some extent they're in limbo, because they don't have all the information. So there has to be more dialogue and more participation in the process, and the district health council can do that.

Mr Frankford: Another aspect that comes out of this is elected versus appointed boards. Do you have any comments on that?

Ms O'Neill: I'm torn. As a nurse and someone in the system, I've often thought: How do people get on these boards, and what are the criteria? Do I have to have, with respect, a degree in law behind my name? Do I have to have chartered accountant letters behind my name? How do I get involved?

I think it has been, to some extent, a closed process. I think you still have to have a mechanism to appoint. If you're going to enter into elections, you have to decide what that community is and you have to look at what the hospital provides in terms of its services. If it's not providing a

service and you have somebody elected who has an agenda, you have to be careful.

Ms Jenny Carter (Peterborough): As you know, there's been a lot of discussion going on about the restructuring of long-term care. Do you see district health councils as having a role to play in that future?

Ms O'Neill: A major, major role. For the first time, to some extent hospitals have had to review their budgets in front of a district health council. I think our chronic care institutions and nursing homes and that whole aspect have been—"neglected" is not the word I want to use, but it's been sort of a forgotten thing. Now, because our population is aging and we're going to have more people accessing types of services, the district health council must play a role and it must play a role in terms of assisting in the planning of those services. Right now things are all over the place; people find it hard to access services. The other difficult thing is that people, even the district health council, don't necessarily know who's providing what and what the services are. So they have to get right in there and play a role.

Ms Carter: One other point. You are a registered nurse.

Ms O'Neill: Correct.

Ms Carter: Some constituents have written to me and complained that registered nurses seem to be a dying breed at the moment, that there are no jobs for them. In particular, I met one couple when I was out talking to people about the referendum: The man had completed a registered nursing course after the business he'd worked for had failed and was totally unable to get any kind of employment, was just going on welfare. Could you comment on that?

Ms O'Neill: Granted, it's a very difficult time for nurses, because where we have traditionally been employed have been institutions, hospitals, and that's changing. I think you're going to find nurses in the community doing things like nurse practitioner. But, with respect, that's not really an issue for the district health council. I don't think the district health council should entertain human resource issues. That's not for them to do. I think they can make comments about where roles should be, but they shouldn't get involved in that kind of discussion.

Ms Carter: But you do see them as being involved in access to health?

Ms O'Neill: Yes.

Mr Daniel Waters (Muskoka-Georgian Bay): You're already involved with a district health council, I believe, in Toronto.

Ms O'Neill: Yes. I sit on what's called the hospital services realignment committee, a subcommittee of the district health council.

Mr Waters: So you already have a working relationship with some of the members of the district health council?

Ms O'Neill: Yes, I do.

Mr Waters: I come from central Ontario; Muskoka, to be exact. We have a district health council that covers Muskoka and Parry Sound. We had a situation where the district health council, because of population, is heavily

weighted in favour of Muskoka by representation. We had a hospital closed in Parry Sound, which is not my riding; actually, it's represented by Mr Eves.

Ms O'Neill: Right, in Burk's Falls.

Mr Waters: The people in that community still feel ill-treated. Do you think there's a way within the health councils in rural Ontario that we can maybe amend it so that people feel they have some fairness within the system? I know it's an unfair question when you're looking at cities.

Ms O'Neill: In Toronto it's somewhat easier because everything's centralized, it's within walking distance; we just have to look at downtown Toronto. But if you've got a district health council that has a region, that is to service two distinct areas, something should be said about some sort of mechanism where there's equal representation. If it's heavily weighted towards Muskoka, there should be some—

Mr Waters: They cover three very small communities in the Parry Sound area on the Highway 11 corridor.

Ms O'Neill: Right. The members of that community who don't feel they're being serviced, with respect, should demand their rights. Maybe the district health council that services those areas should review its mandate or review its bylaws or something along those lines to try and get a better reflection of the community. Maybe they should be going out to the communities and having a public forum and saying: "This is what we do. Tell us if you think we're representing you. If we're not, tell us how we can do it better."

Mr Bernard Grandmaître (Ottawa East): That's quite a responsibility, being a member of the district health council for Metro. Do you think your responsibility as a DHC is simply too much to really do a good job? After all, you're responsible for 41 hospitals, 68 homes for the aged, and nursing homes, 20 community health centres, six public health units. Do you think you should have more than one district health council, to go back to what Dan was saying, to have some fair representation? Do you think we should have two or maybe three district health councils?

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Ms O'Neill: No, simply because when we were doing the reviewing of budgets—the district health council in Metro is there, it's been established, it knows who it is that it's there for. I don't necessarily think it's too big to handle. I think they're doing a good job and I don't see fragmenting it any more. I don't think that having three more district health councils is going to solve the issue. I think they should keep it the way they have it. If the workload is getting too much, they have a mechanism to deal with that. If we start having four or five district health councils in Metro, I think we're going to get into what we commonly call turf wars, vying for whatever.

So it's there, members of that sector know it's there. No, I don't think so.

Mr Grandmaître: The biggest complaint of members of DHCs is that their recommendations or most of their reports are taken very lightly. It goes into a black hole, if I can quote this lady right, for the simple reason that maybe the ministry is too busy doing something else and it's not

paying enough attention to what you people are trying to do. After all, you're supposed to be the advisers to the ministry and the minister. This lady, who was the chair of the Eastern Ontario District Health Council, indicated that the ministry often failed to respond at all to reports submitted by her DHC. In her words, "The reports seem to disappear into a black hole."

If that's the feeling—and she wasn't the only one. I sat on a DHC for eight years. I'll be very honest with you: For the last couple of years I was a member on that DHC, I felt very uncomfortable because we were simply meeting for the purpose of meeting.

You've had all kinds of experience, a lot of experience as a nurse, dealing with doctors and nurses and DHCs and so on and so forth. You told me that you felt quite at ease, that you didn't have to improve the representation and that the ministry is responding to the DHCs' reports or recommendations. You don't feel at all being left out or in a black hole?

Ms O'Neill: This whole process I just went through, the review process that the ministry has told the district health councils to do—I can't tell you that I feel like it's just gone into a black hole, because we're still in that process. So far, the sense I get is that the district health council members feel we're doing something very important, and it's been a very good exercise for all of us.

If, at the end of the day, what we recommend doesn't go forward or is in limbo, then from my perspective, I would probably think of doing some pressure on the government of the day to say, "You've given us this mandate and it hasn't been followed through, so what are we doing here?" But at this point in time, until the end of the process I'm involved in right now, I can't answer that. I'm excited, in the sense that I'm part of the solution, not part of the problem.

Mr Grandmaître: Back in 1989, the government of the day or the minister of the day gave district health councils additional responsibilities, for the simple reason that too many of them felt left out. I'm just wondering, what has been your experience since 1989? Do you think those additional responsibilities have created a better atmosphere between the DHCs and the ministry?

Ms O'Neill: I think so. It also has created between district health councils and various members of the community like hospital sectors, long-term care sectors—it was interesting for those of us who were on this committee doing a review process. We came back and as a group we discussed it, and people were excited because they thought, "We didn't know this was going on," or "We had no idea that hospital A was doing this, hospital B was doing that."

Mr Grandmaître: When you say "we," you're talking about staff or what?

Ms O'Neill: No, the subcommittee I was on. It was a really good review process, because it opened eyes for a lot of people. With respect, the district health council to some extent had no idea what was really going on, and because of this review process and because a budget had to

be handed in and numbers given, they're getting a much better definition of what exactly is going on out there.

I think that's partly the limbo feeling. Yes, they probably were not in previous times getting support. On the same hand, they weren't always getting all the information, and now that's coming together. At the end of the day, maybe in two months from now, I can answer that question, but for now, I think so far it's working for people who are on that committee.

Mr Grandmaître: Good luck to you.

The Chair: Mr Brown, did you have any questions? Well, Ms O'Neill, that concludes questioning. We appreciate you being here this morning and wish you well.

Ms O'Neill: Great. Thank you very much.

The Chair: The next item on the agenda is dealing with Ms O'Neill's appointment. It's the only review we have this morning. The Chair will entertain a motion to concur. Moved by Mr Waters. Any discussion on the motion? All in favour? Motion carried.

DRAFT REPORTS

The Chair: The next item on our agenda is the draft reports which have been prepared by our researcher dealing with a number of ABCs. I'm not sure David has any comment on this. For example, with the Ontario Municipal Board, David has done a draft report on this, but—pardon?

Mr David Pond: I think I know what you're going to say.

The Chair: We are still looking at hearing from a number of witnesses before we finalize that report. David, did you want to comment on that?

Mr Pond: Yes. The format of these four documents differ, depending on how far the committee has gone in reviewing them. For example, because the committee has heard a lot of testimony on the OMB and the LLBO in particular and has considered earlier drafts, what you have in front of you on the OMB is far more complete than, for example, the memo from me on the Ontario Board of Parole, which the committee hasn't considered since January. That's why some of these documents are longer than others. That's the only reason.

The Chair: All right. How would the committee wish to proceed with this? I thought initially we could take a look at the Ontario Board of Parole recommendations and draft report that David has prepared. Has everyone had an opportunity to take a look at this? We'll open it up for discussion, then.

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Mr Waters: I look at the report on the Ontario Board of Parole, and 1, 2 and 3 are dealing with victims' rights; then I go to 4 and you jump ministries. My question is, should we include this in the recommendation or should we pull it out and fire something off directly to the Attorney General? Recommendation number 4 is dealing with something totally different, which the AG actually deals with, and that's compensation for victims of crime and violence.

Mr Pond: As you know, we haven't looked at this since January, and the membership of the committee has

changed pretty considerably since then. As I always try to do in these things, these recommendations reflect what individual members wanted in, and the member who wanted that particular recommendation considered isn't here anymore, if you take my meaning. If this committee, as presently constituted, wants to—

Mr Waters: But at the same time, David and Mr Chair, I don't think it is something that we shouldn't at least fire off a letter or a separate recommendation indeed to the AG, that there should be something dealing with victims of crime. There is a number of programs out there now.

The Chair: What you're suggesting, Mr Waters, is the fact that we were reviewing the operations of the Ontario Board of Parole and our report should be confined to that, but that doesn't restrict us from sending a letter as a committee to the Attorney General.

Mr Waters: Yes. I just wondered whether it was proper to include it in the report on the Ontario Board of Parole or whether we should pull it out and send off a separate letter.

Mr Pond: That point also applies to page 6, the material under the heading "Temporary Absence Passes." That is material that doesn't really have that much to do with the Ontario Board of Parole, quite frankly, but again that was a subject dear to the heart of two members who are no longer on this committee. What we could do is just have a separate section that says, "Recommendations directed to the following ministries," if you take my meaning. Include it in the report, but say: "Recommendation directed to the Attorney General," "Recommendation directed to the Minister of Correctional Services."

Mr Waters: That's fine. I just think we should make sure that this doesn't go to the Ontario Board of Parole. It isn't their responsibility, so in effect it will die. I would sooner that it went to the appropriate minister.

Mr Pond: To be fair to the government, I don't think it will die, because if you recall our last report, when we asked agencies to respond to previous recommendations, when there was a recommendation—this happens quite often—from a previous report, which is really not the responsibility of the agency in question but the minister, the agency will simply forward it to the minister and the minister would provide a comprehensive response. So they don't get lost in the shuffle.

The Chair: Mr Grandmaître, did you have something to say on this?

Mr Grandmaître: No. I think the six recommendations are there and we need to follow up on those recommendations, especially number 5. How effective is the parole board or the parole boards? I think it's very important that we should have maybe an additional sheet that would talk about their failures and their successes, how effective they are, how sophisticated they are. I think we should elaborate maybe on number 5. That's about my only recommendation.

Mr Marchese: I have three comments on three separate areas. With respect to 4 and 6, we should leave it in the report and suggest that because they relate to AG, those

recommendations should be sent to that ministry to deal with. That takes care of our concerns. We agree they should be done, we agree they should be left in the report; however, because they connect to the other ministry, those recommendations should be sent there.

In terms of recommendation 1, I wanted to suggest a wording that's different from what is written there: "The Ontario Board of Parole and the Minister of Correctional Services should consider introducing a policy whereby victims are informed."

My suggestion would be that we say, "The Minister of Correctional Services should consider establishing a mechanism whereby victims who so wish are informed." It speaks to a mechanism and it speaks to those who want it, as opposed to a blanket statement that everybody is informed. It deals with the workload issues, it deals with those who are interested in following this and it takes care of both concerns at the same time.

Mr Grandmaître: Don't you think that policy has more of a bite than simply a mechanism?

Mr Marchese: It just depends what it is that we want to establish here, whether we need a policy or whether we need a mechanism for people to be informed. Others can comment on what the policy would achieve versus what the intent of the motion is. If others believe we need a policy, I'd like to hear what that would be, versus my suggestion.

On number 3, I just wanted to know whether it's redundant based on what already may be happening. Does not current policy allow victims to make submissions at the moment? If that is the case, is recommendation 3 redundant?

Mr Pond: They are allowed to make written submissions to the board on their own initiative. The onus is on them to follow the case, so to speak, and make a written statement. Where this comes from is that some of the members—and again a couple of them aren't here any more—wanted something more specific than just written submissions. They wanted victims' impact statements, which is slightly different than just a submission, and the board doesn't have a procedure whereby it formally considers victims' impact statements. At least, that's what we were told.

The problem of course, as one of the members who is no longer here who is a lawyer pointed out, is that once you get into that you get into this whole business of due process and whether the offender who is applying for parole is getting due process if this thing is submitted without he or she having a chance to rebut it, and so on. That's why that member suggested the second sentence in recommendation 3, "Such a policy should balance victims' rights against the offender's charter right." He felt that was important.

The Chair: I think we're in general agreement with this report.

Mr Waters: I would like to comment, if I could. To start with number 1, one of the things we found is that the parole board at the present time doesn't have the name of the victims. The parole board doesn't deal with that. The crown would be the person who would have that at the time.

As Mr Marchese has said, when you start looking at that, some victims want to put the whole thing behind them and never want to hear about it again. So if three years or two years or a year and a half down the road they get a letter saying, "So and so, who committed this act against you, is coming up for parole," it brings the whole thing back into their life. With Marchese's wording, it would give them the ability, if they so wished, then they could sign a thing right on the day of the court if they wanted.

The Chair: I thought we were in agreement with that suggestion. That's my understanding.

Mr Waters: One of the other things I found when we were looking at all of this—and I can't remember where it is in the report. It says something about the federal law—

Mr Pond: Top of page 2; the first paragraph on page 2.

Mr Waters: It's my understanding that under federal law, the onus is still on the victim to track the offender.

Mr Pond: I'll have to check that. As a matter of fact, now that you mention it, that law has been changed again, as of yesterday I think; C-36 just went through the House yesterday.

Mr Waters: It's difficult to keep in track of what they're doing, actually. It seems to be moving at quite a rate.

Those are some of my concerns that I wanted to bring forward at this time. But overall, the package looks like we're going down the right road here.

The Chair: Okay. This will come back to us with the changes suggested by members.

Perhaps the next-easiest one to deal with—maybe I'm wrong on this—is the Liquor Licence Board of Ontario.

Mr Pond: The committee considered a draft report on the LLBO in June and suggested a couple of changes, which are highlighted in the shaded ink that we use in our office, and that starts on page 12. The membership of the committee hasn't changed that much since June so this probably will be familiar to you.

On page 12, when the committee approved recommendation 3, dealing with sexism in liquor advertising, members suggested that the committee should also have a recommendation in here on the regulation of lifestyle advertising. They directed me to go away and do a bit of research on what the state of the art was in terms of regulating lifestyle advertising.

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Lucky for us, just after the committee met in June a federal committee released an extremely comprehensive report called Foetal Alcohol Syndrome: A Preventable Tragedy. This was the standing committee on health and welfare of the House of Commons, which, take my word for it, is exhaustive. They've interviewed everybody who counts in the business, so to speak. As you can tell from the shaded passage in the middle of page 12, the Department of Public Health for the city of Toronto has also issued a relevant report, and the government of Quebec has also already tackled this problem; the bottom of page 12 and top of page 13.

This leads into the recommendation which the committee proposed putting in last time, which is recommendation 4 in the middle of page 13: "The government should strive to develop new rules and standards which would eliminate the lifestyle advertising of alcoholic beverages."

The Chair: Any additional comments on these recommendations? Mrs Carter, you had some comments when we dealt with this earlier.

Ms Carter: I was in favour of reducing lifestyle advertising, and I still am.

Mr Waters: At this point, I don't have any real concerns about it.

Mr Marchese: I just have a few comments. I hope to be given another opportunity to come back to the previous item for some clarification after we deal with this.

I want to make a comment on something on page 3. Under the Liquor Licence Act, in (b), "the applicant is not a Canadian citizen or a person lawfully admitted to Canada." I have a concern about "the applicant is not a Canadian citizen."

While I agree that people should become citizens once they've been here for the required time, some of them decide not to. So they could be here for 20, 30 or 40 years, decide to apply for a licence, and that particular wording does not allow them to get a licence.

My concern is that it would violate the Charter of Rights and Freedoms, for one. I imagine that nobody may have taken this to court yet, which seems interesting, in the last eight or 10 years, but I think it would violate the Charter of Rights and Freedoms. My suggestion would be that we ask the ministry to review that; either to delete or to review that; or to review with intent to delete.

The Chair: I read that differently, but perhaps David can—

Mr Pond: I think the intent there is "the applicant is not a Canadian citizen or a person lawfully admitted to Canada for permanent residence and ordinarily resident." I think it is actually an umbrella clause that's supposed to catch Canadian citizens, but everybody else who may not be a citizen but who is legally here and is not a fly-by-night operator. That's the intent, to limit the fly-by-night operators. I'll check with the ministry, but I don't think it actually reads that you have to be a citizen to get a licence.

Mr Marchese: Well, that's the way I read it. I see. The way you've explained it is "the applicant is not a Canadian citizen or a person lawfully admitted to Canada..." It relates to the next section, is that the intent of what you're saying?

Mr Pond: Yes.

Mr Marchese: I didn't read it that way at all.

Mr Pond: I'll check. I can check with the ministry. That's very easy to do.

Ms Carter: So a landed immigrant would be okay.

Mr Pond: Oh yes, absolutely.

Mr Marchese: If that is the case, the wording, it seems to me, should be clarified.

Mr Pond: You could say that about a lot of statutes. I can raise that with the ministry; that's very easily done.

Mr Marchese: Can I ask a question in addition? On page 11 in the last paragraph, it says: "In the spring of 1991, then minister of Consumer and Commercial Relations Peter Kormos announced that the government intended to eliminate sexism in alcohol advertising. Members discussed this issue with the witnesses from the LLBO. Ms Karankatsanis indicated that the cabinet, and not the board, would take the initiative on this issue."

Mr Pond: Absolutely. She didn't hesitate to say that, no.

Mr Marchese: My feeling would be that the LLBO should be involved in this; in fact, could make recommendations to the minister on lifestyle advertising, given its involvement and knowledge of the field. For them to simply shrug it off to the minister or to cabinet I think is not useful or wise.

Mr Pond: In fact, under the regulations, the board has legal authority to do that.

Mr Marchese: David, my feeling is that we should state that they play an active role in making recommendations to the minister on lifestyle advertising, given their experience and knowledge of the field. Is that useful to the other members?

The Chair: I just wonder if we should be directing him to do that. This is really a government policy question. I'm wondering if it should be us saying to an agency of the government that, "We, as a standing committee, want you to develop policy recommendations in this specific area." If we do this, we should perhaps be calling on the government to utilize the experience of the agency in preparation for moving in this direction; rather than us directing or calling on the agency, perhaps to call on the government to utilize the talents and experiences available so it's part of the process.

Mr Marchese: I agree with that. From the wording, it appeared as if somehow they didn't want to be involved, although Mr Pond suggests that they already have the right or the obligation to do so. We just wanted to remind them that is something they should be abiding by.

The Chair: We could incorporate that, encourage them to—

Mr Waters: That would go into recommendation 3, wouldn't it, David? Where it says, "The government should strive to develop new rules and standards which would eliminate sexism in liquor advertising," we could add another sentence in there saying they should be consulting with the LLBO, or the LLBO should be assisting the government with its expertise in this field.

Mr Marchese: I'm trying to make a separate comment. I realize that; they should be using their expertise. What I want to say is that the board itself should be making recommendations, and it's a different emphasis on the issue. The ministry should be involving them, but the board should not shrug away from being involved, in other words, given that is already an obligation or a responsibility they have. I would leave it to Mr Pond to work out a wording that reflects that.

Mr Pond: If you're finished with the issue of lifestyle advertising, we can go on to the top of page 14 and an issue dear to the heart of Mr Waters. I think he understands where this is coming from. He didn't want the total focus of this business of the influence of drink on young people to focus on driving. He wanted mentioned the other activities which could be potentially dangerous if you're under the influence.

Also, in the first full shaded paragraph on page 14, the member suggested that to be fair to the industry, we put in a paragraph acknowledging that it has launched advertising campaigns which are designed to promote the awareness of drinkers of the danger of excessive drinking, sort of to balance some of the recommendations.

Mr Waters: Indeed, they've been doing a wonderful job. It's just that we're trying to get people to listen to what they're saying.

Mr Pond: Then with recommendation 5, the shaded bit, the second sentence in recommendation 5, it was specifically recommended by members at the last meeting in June. One of the members who's not a member of the committee any more specifically recommended that wording. That's why that's now in there.

The Chair: Any further comments on this report?

Mr Pond: There's more on pages 14 and 15. On this issue of mandatory labelling of liquor products, again the member suggested that I go away and do a bit of research on what other jurisdictions are doing with regard to mandatory labelling. Again, this wonderful report that came out just after the committee met, from the federal standing committee on health, Foetal Alcohol Syndrome: A Preventable Tragedy, made that recommendation. I cite from it in the shaded passage at the bottom of page 14, which leads into the recommendation 6, part of which you've already proved, and then the new addition to recommendation 6 is in the shaded ink on the top of page 15.

The phrase "and in particular the danger to the foetus" was recommended by members. Then the last sentence there, "If this is not permissible under the Constitution, the government should lobby the federal government to implement such legislation," I invented because, as I realized, it's more or less a federal responsibility since liquor products are interprovincial.

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Ms Carter: That sounds good to me.

The Chair: Okay. Those are a couple of modest changes.

Mr Pond: Okay, so I'll redraft that for you.

The Chair: We should be able to get that one into the House before the end of the fall session.

Mr Marchese, back to the board of parole.

Mr Marchese: If I can go back to the previous item, just to be clear—I want to be helpful, not to confuse it—I suggested a wording that says "establishing a mechanism whereby victims, who so wish, are informed." Mr Pond, my comment on this: Is this the case right now? Does the ministry have this in place already?

Mr Pond: That may be a matter of interpretation. They have a policy whereby information is distributed in the appropriate places, such as courtrooms, about your rights in Ontario as a victim which you, as a victim, can access.

There are a couple of programs that the government offers, but the point the members kept making when the witnesses were here is that the onus is totally on the victim to access the programs. If you were in court and you were distraught that day—now I'm repeating what one of the members said—and you didn't happen to see the pamphlet on your desk—it's a very nice pamphlet—is that really your fault? I think the whole thrust of these recommendations is that the board and the ministry, I suppose, should take a more proactive attack.

Now, the second point we made is, the witnesses did say, to be fair to the witnesses, that the government is reviewing this whole area of victims' rights: what they have, what they don't have and so on. The Criminal Injuries Compensation Board, for example, which grants money to victims, is also under review. Frankly, I don't think there's any problem with what you've suggested, to tell you the truth.

Mr Marchese: Okay. Fine, thank you.

The Chair: All right. We'll move on to the district health councils' report. David has raised a number of issues and questions for our consideration in respect to this.

Mr Waters: I would like, I guess, to enter it as a submission. I don't know exactly how we do this, but I received some correspondence from the executive director of the Association of District Health Councils of Ontario yesterday and, with his permission, I made sure that—in fact he asked that I have this distributed to all members of the committee.

What it deals with is that there is a task force out there, a joint task force at work right now, between district health councils and the ministry. If you look at the top of page 2, you will see what the role of the task force is. I think it will shed some light on the feelings of health councils and what the ministry is indeed doing at this point in time to try to deal with, even in advance, some of our concerns that we were raising and that health councils were raising.

The Chair: Maybe we should just table this in light of that. David can have an opportunity to look at this, and we can as well.

Mr Waters: Sure.

Mr Marchese: So table the whole report? Table this letter and—

The Chair: David's report, and then David can come back to us in light of the information here.

Mr Marchese: Sure.

Mr Waters: That's fine.

The Chair: Okay, that takes us to the Ontario Municipal Board.

Mr Pond: As members know, we've looked at the OMB for years and years. It's the one agency the committees have come back to over and over again. As a result, I haven't made that many changes to the original draft report. The changes begin on page 19, once again in the shaded ink, and they go on and on—that's wrong. I'm

sorry. I've done actually more work than I realized I'd done. Page 14, sorry. This is the easier one to look at.

If you recall, at the last meeting, or maybe even at the last-but-one meeting, the committee approved recommendation 1 on page 15, which says as follows: "The Attorney General consider"—that probably should be "should consider"—"removing assessment and minor variance appeals from the jurisdiction of the OMB."

Members pointed out to me that there had been developments on the part of the ministry, recent developments in the spring, which should be incorporated into the report to make it look up to date. So the first paragraph on page 14, which is in shaded ink, simply sort of takes note of the efforts by Mr Cooke to reform the planning process—they were introduced in April—some of which will have an impact, hopefully, on the workload at the OMB. Members suggested that I put that in just to make the report look up to date, if you like. It's an awkward way of putting it.

Again in that spirit, the second paragraph, or I should say perhaps the last paragraph on page 14, which is in shaded ink, the legislation I refer to here was passed subsequent to our last meeting, but again it will have the impact, I would presume, correct me if I'm wrong, of lowering or reducing the OMB's workload. To make a long story short, all I was trying to do with these two paragraphs on pages 14 and 15 was to improve the lead-in to recommendation 1, which you already approved many moons ago.

The Chair: Do you want to take this right through, Dave? Then we'll take questions as they arise.

Mr Pond: Okay. Now, the substantive change to this draft is on page 19. I'll point out immediately this may well anticipate what the committee hears from Mr Sewell, but nevertheless at the last meeting in June the committee did direct me to put in some wording on this particular point that I'm about to mention, so I did. You may feel you want to table this particular passage until we've heard from Mr Sewell, but I'll explain it for you, in any case.

The issue once again is the perspective of OMB members towards community groups, economic development. There are some members of the committee, and one member's no longer here, who feel that some OMB members are not sufficiently conversant with the ecological approach to land use planning, they're not sufficiently conversant with the Foodland Guidelines, and part of this concern arose out of the testimony the committee heard from the last two OIC appointments the committee reviewed to the OMB a couple of months ago.

Anyway, this is what page 19 and page 20 and page 21 is all about. Again, it's a lead-in to the recommendations at the bottom of page 21, numbers 6 and 7: "Training programs for OMB members should include material on the ecological systems approach to urban planning."

Recommendation 7: "The government should appoint members to the OMB who have a background in ecological theory and its application to planning issues." There's shaded ink on pages 19, 20 and 21. It's designed to lead into those two recommendations, which were suggested to

me at the last meeting of the committee when it looked at the OMB.

The Chair: Is this number 7 supposed to be restrictive in its interpretation, or are we suggesting here that it should appoint some members or any future appointees?

Mr Pond: Good question.

The Chair: I don't think it should be that all-encompassing myself.

Mr Waters: Well, it's my understanding at the present time that there are some members of the OMB who are well versed in ecological theory, and through the public appointments process the government attempts to ensure that there is a broad range of skills and backgrounds reflected in the makeup of the OMB. I think you've got to have the balance that is there. You've got to make sure indeed that there are some people who are looking at the ecological theory, but at the same time you have to have a creative balance, I think, in order to have the OMB do its work in an efficient and proper manner for the province.

The Chair: Mr Waters and I are both thinking along the same lines, that certainly we as a committee concur with having a number of members, or some members, I'm not sure how you phrase it, who have these talents and abilities, but we certainly shouldn't imply that it is a requirement for every member of the OMB to have this sort of background.

Mr Waters: Maybe if we had the recommendation look at a change in the wording so that the board reflected a balance that included all aspects of society and giving an example of ecological theory being one. I don't know, maybe a change in the wording that ensures that there's a balance but at the same time that there's somebody looking at the environmental issue who has an expertise or who is an ecologist.

1030

Ms Carter: I wouldn't want to weaken that requirement. I don't see why it can't coexist with the other expertise that's required. I'm not saying you give everybody a test on his environmental attitude, but I think it's something we can expect people to grow into as time goes on.

Mr Waters: What number 7 says is that basically everybody should have an ecological theory background. I don't think that's necessarily bad, but it shouldn't be mandatory that you have that background.

Ms Carter: But they can acquire it. There can be training there that gives everybody that.

Mr Waters: It can be part of the training process that they learn something of the ecology, but I think you have to make sure you have a balance. The OMB is supposed to reflect the province and the people within that province, I always thought.

Mr Marchese: I think, on that, "the government should appoint members to the OMB," it doesn't say all members, obviously. I read it as saying some members.

Mr Waters: I don't.

Mr Marchese: But that's the difficulty; it doesn't say one or two or three, although I agree with what Dan is saying.

The Chair: I wonder if you need number 7 here at all, if you read the preamble to it, talking about OMB members becoming familiar with the ecosystems approach to urban planning. It seems to me that number 6 would probably be adequate.

Mr Marchese: Except it says training for OMB members, as opposed to nominating some members who have that background, so in that respect it's different. I think training should go on for all members, but I also think what is discussed on page 20 and page 21 is so critical that it would be useful to have some members—an undetermined amount, of course—have that kind of background.

But I read 7 as saying "some." If the wording isn't clear, perhaps Mr Pond could look at that and put that in.

Ms Carter: That is ambiguous.

Mr Pond: Okay, no problem. I can also stick in short paragraphs here—we did this with the LLBO in a previous incarnation of that report—to the effect that the current government is already appointing people from a diversity of backgrounds, this being one of the factors the government takes into consideration; some kind of nice short paragraph to that effect. We did that with the LLBO report.

Mr Grandmaître: Now that the OMB is under the wing of the Minister of Municipal Affairs, I think it's the responsibility of the minister to make sure there's a good balance on the OMB. That's one of the reasons why it was taken over by Municipal Affairs: that really good planning and ecological theory should be represented in its membership. In fact, that's the only reason I see the Ministry of Municipal Affairs wanting the OMB to be under its wing.

I still can't understand why the Minister of Municipal Affairs would want that responsibility. I think he likes writing to himself: The OMB writes to the Minister of Municipal Affairs and the Minister of Municipal Affairs writes to the OMB and it's the same office. I still can't understand why they're mixing the two, but anyway, it's done.

The Chair: Further comments on this, Mr Marchese?

Mr Marchese: On number 2, it's quite clear that the current legislation does not require municipalities to update their official plans; that's fine. I think recommendation 2 is useful in terms of what the ministry could look at. Could I also suggest that given that the Sewell commission is looking at a whole range of issues, we send a note to Mr Sewell urging him to look at this, if he hasn't already done so.

The Chair: You raise a point that I was going to raise. We have tentatively scheduled Wednesday, November 25, for further witnesses related to our OMB report. The proposed witnesses are John Sewell and Dale Martin. If the committee agrees, I feel that prior to the appearance of both Mr Sewell and Mr Martin, we should perhaps supply them with a copy of our draft report. I think it would be most helpful to us.

Mr Marchese: I agree.

Mr Pond: I'll update it in light of today's discussion and then give it to you, I guess. Is that okay?

Clerk of the Committee (Ms Lynn Mellor): Yes.

Mr Marchese: Further, on item 4, I supported intervenor funding when we discussed this in the past, and I still think it has merits. On the one hand, it will create more jobs for lawyers, who obviously will take advantage of this; to be weighed by the need to have certain communities have access to this, because they don't have the money to be able to take a case when they feel their community's needs are not addressed.

I think the ministry is looking at this, but we should be looking also to recommend alternative dispute mechanisms as well. I don't know how deeply the ministry is looking into this—I understand it is—but it might be useful to recommend also that it looks at other alternative dispute mechanisms.

Mr Pond: Just as a point of clarification, that would be outside the framework of the OMB? To be fair to Mr Kruger, I think in his tenure as chair they put a big emphasis on mediating the cases that came to them and getting them resolved without having to go to a full hearing.

Mr Marchese: I think you're right. I think that would be useful to suggest: outside of the OMB hearings.

Mr Pond: In other words, that recommendation you're recommending should be directed to the ministry specifically, not just to the OMB.

Mr Marchese: Right.

Mr Pond: The standing committee on administration of justice in the previous Parliament issued a major report on what the experts call alternate dispute resolution, ADR. I'll check into that. There may be some specific recommendation in there that may be relevant to this.

Mr Frankford: Getting back to 6 and 7, about material and training and ecological theory, I thought one of the things Mr Kruger talked about was increasing the staff resources, with particular expertise such as ecology and planning. I think another advantage of that could be that those resources could be shared with applicant groups so that they could make their case more strongly. I wonder if something relating to that should be mentioned.

Mr Pond: Then you get into the problem that the OMB is a quasi-judicial tribunal. I won't say Mr Kruger would say this, but I think one of the problems you'll hear about that notion is that if the board got into the habit of helping out certain parties and not other parties with material; in other words, if the board said to the staff, "Here's this community group that is obviously underresourced versus this big monster developer; go share with them our staff knowledge about this particular kind of project," immediately the lawyer for that developer would go to court and say, "You're violating the principles of natural justice. That's a bias."

The OMB is a tribunal. It's not an agency of the government that plans land use. It adjudicates disputes in a legal context. I think that's the objection you would immediately hear to that suggestion. I may be wrong.

Ms Carter: I'm still not quite happy about the emphasis as regards 6 and 7 and Dan's contribution. I don't see this as something that is a kind of sectoral interest, that

some people are interested in the environment and others aren't and you have a kind of tug of war as to how much this is taken into account. This is something that concerns everybody and that we're all going to have to incorporate into our thinking if we're going to have any future. I see it as legitimate to say that if people don't have this kind of understanding, then they should be acquiring it.

Of course, we are waiting for the Sewell commission, and probably as a result of what they say this will become more built into the basic requirement of what something like the OMB is doing. I don't want to leave any sort of impression that this is a fringe thing. This is a change that the whole of society is having to make, and the OMB as much as anything else.

1040

The Chair: I'm not sure what you're suggesting here. I thought there was a consensus that we would change this recommendation to ask the board to ensure that some appointees had a background in this area, not all appointees.

Ms Carter: But that in any case, there should be—

Mr Waters: If you go back up to 6, where it talks about training, part of the training program can be—

Mr Marchese: That remains. That's recommendation 6.

Mr Waters: Yes. If you look at the two as working together, it will do what I think—

Ms Carter: But I still feel that it is an advantage to any applicant to have that background, and I certainly would think that anybody who is being educated as a planner in this day and age should have that built in. I don't know what the curricula are, but—

The Chair: Yes, but not everyone on the OMB is a planner. We have farmers, lawyers, a range of people. That's the whole idea.

Okay, anything further on this?

Ms Carter: We also have some errata.

Mr Pond: Quite possibly.

Ms Carter: I don't know whether somebody should read those into the record and get them put straight.

Mr Pond: Go ahead.

Ms Carter: Page 1 under "Structure and Organization," the second sentence should read, "As of October 1992 the board consists—"

Mr Pond: That's way out of date. These kind of statistics will have to be updated, yes.

Ms Carter: So that would be done.

Mr Pond: Yes. The problem, of course, is that when things change so quickly, keeping it all up to—

Ms Carter: So you're aware of that. Page 2, table 1, under Peter Howden, QC, add "appointed to the bench May 31, 1992."

Mr Pond: He's gone.

Mr Marchese: Right. He was appointed to the bench, so he's gone.

Mr Pond: I knew someone was going to bring this up. The whole of table 1 has to be updated.

Ms Carter: Okay. There was one about Stanley Cole too. Add "Medical leave of absence commencing December 1, 1992."

Mr Pond: He's gone too. If you aware that anybody's gone, just let me know. That makes it easier for me.

Ms Carter: So just to make sure, I'll continue. Page 3 under Gordon Thomson, QC.

Mr Pond: He's gone.

Mr Marchese: We could just pass this on to Mr Pond later as opposed to doing it now.

Ms Carter: There isn't a lot more, but you seem to be aware of it.

Mr Grandmaître: It's a good thing we're not doing the same thing with Ontario Hydro. We'd be changing every weekend.

Ms Carter: So Edward Canning and Ernie Magee? Pages 4 and 5, Edward Canning and Ernie Magee will be returned to Ontario Highway Transport Board, fiscal year 1993-94.

Mr Pond: So he's only on the board for a temporary period.

Ms Carter: I guess. Page 5, Meena Dhar? She has not yet commenced her appointment. Of course, we saw her last week, didn't we?

Mr Pond: That was the date of her certificate, that's all.

Ms Carter: Yes. Page 14, at the bottom of the page regarding Bill 165: "Removal of the capital expenditures approvals from the board's jurisdiction will not affect the board's hearings workload, as hearings on these applications are rarely held."

Mr Pond: Could you read that again? Do you mind? Where exactly are you on page 14?

Ms Carter: At the bottom of the page.

Mr Pond: Under Bill 165?

Ms Carter: Yes. "The removal of the capital expenditures approvals from the board's jurisdiction will not affect the board's hearings workload, as hearings on these applications are rarely held." That's to be noted.

Mr Pond: Okay. Thank you.

The Chair: Thank you for that. Anything else? We'll leave this in abeyance until we've met with Mr Martin and Mr Sewell and then we'll go from there. They'll be provided with the rewrite, the update of this draft report.

As to the other two, since they're relatively modest changes to the Ontario Board of Parole report and the LLBO report, hopefully we can have them in rather short order and get them into the House.

Mr Grandmaître: When's our next subcommittee?

Clerk of the Committee: We have the November 18 selection.

Mr Waters: I have no problem with your request. I think you have one person you would like to review, right?

Mr Grandmaître: Read my lips.

Ms Carter: He's gone.

Mr Waters: Why don't we schedule it past this weekend.

Clerk of the Committee: We had determined people for November 18, so the next opportunity would be the appointment slot that you've set aside, which is December 9.

Mr Waters: Can we do that in advance of there? Can we reshuffle something, maybe?

The Chair: Reshuffle our schedule, you mean?

Clerk of the Committee: November 25, we tentatively have the OMB. December 2, review of ABC, with the Metro Toronto Police Services Board.

Mr Marchese: Is that okay in terms of the delay it causes, Dan? We could extend the time—

Mr Waters: Actually, I just know that it's a hot issue from across the way, and I would like to get on with it while it's—

Mr Grandmaître: It's a shocking issue.

The Chair: What's this, Hydro?

Mr Waters: That's what I'm assuming that they want.

Mr Grandmaître: I just want to make sure, that's all.

The Chair: Well, as the clerk points out, we have just the one date left for reviews, December 9.

Mr Waters: If we can't shuffle somehow, then that's what we have to go with, I guess.

Mr Grandmaître: December 9, as far as I'm concerned, is—

The Chair: That'll be fine.

Mr Waters: Normally we do this in sub, but there's only one that I think my friends across the way really want to review.

Mr Grandmaître: Only one.

Mr Waters: How long, Ben?

Mr Grandmaître: Three hours.

Mr Waters: What is the maximum we're allowed for a review?

The Chair: Three hours, I think it is.

Mr Grandmaître: Three hours, yes; that's the maximum.

The Chair: I'll have to check the standing order.

Mr Waters: Can't you do it in two, Ben?

Mr Grandmaître: I won't even be here.

Mr Marchese: Sorry to hear that.

Mr Waters: Do I really want to be here at 9 o'clock in the morning?

The Chair: Rather than keep all of the committee around for this, why don't we adjourn the meeting, and the subcommittee can sit here and wrangle over this one. Meeting adjourned.

The committee adjourned at 1048.

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- Vice-Chair / Vice-Président:** McLean, Allan K. (Simcoe East/-Est PC)
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- Wiseman, Jim (Durham West/-Ouest ND)

Substitutions / Membres remplaçants:

- *Brown, Michael A. (Algoma-Manitoulin L) for Mr Cleary
- *Cooper, Mike (Kitchener-Wilmot ND) for Mr Ferguson
- *Rizzo, Tony (Oakwood ND) for Mr Wiseman

*In attendance / présents

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service



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Standing committee on government agencies

Appointments review
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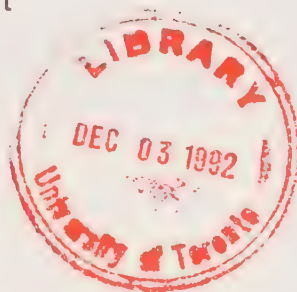
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Mercredi 18 novembre 1992

Comité permanent des organismes gouvernementaux

Révision des nominations
Travaux de comité



Chair: Robert W. Runciman
Clerk: Lynn Mellor

Président : Robert W. Runciman
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 18 November 1992

The committee met at 1011 in room 228.

APPOINTMENTS REVIEW

Consideration of intended appointments.

HENRY GRAYMAN

The Chair (Mr Robert W. Runciman): Could we come to order, please. The first item on our agenda this morning is a half-hour review of the intended appointment of Henry Grayman as a member of the city of Belleville Police Services Board. Mr Grayman, welcome to the committee.

Mr Henry Grayman: Thank you very much.

The Chair: Would you like to say anything briefly before we get under way?

Mr Grayman: No, just that I'm nervous.

The Chair: We'll take that into consideration. We're going to begin the questioning this morning. This is a 10-minute rotation between the parties and we'll begin with Mr Grandmaître.

Mr Bernard Grandmaître (Ottawa East): You can relax, Henry. This is a great place to be to welcome you to. How familiar are you with the activities of the Belleville Police Force?

Mr Grayman: I'm as familiar as what I read in the newspaper basically about some of the activities that go on and some of the changes that have taken place in the police force. I guess generally I'm familiar with the changes that have gone on over the last several years in the police forces generally, and they've affected the Belleville Police Force as well. It's a general answer to your question. I don't know if you want anything more specific than that.

Mr Grandmaître: You're referring to changes and you're absolutely right, I think. Police services boards, police forces, are looking at their responsibilities with a different view, and rightly so. I think it's about time that our police forces in Ontario do take a new approach to their responsibilities.

A training program was announced by the Solicitor General not too long ago, but municipalities are very concerned. They realize they have to train these new police officers, but at the same time this is going to cost money and the money is not coming from the provincial government. It'll have to come from the municipal taxpayers, and people have had it up to here as far as municipal taxes are concerned. But these changes are needed.

How would you approach that problem as a commissioner, as a member of the Belleville Police Force, because you'll be faced with a budget and you'll be evaluating the police force budget in the near future. How will you handle this?

Mr Grayman: First of all, to start out with, as a general statement I believe in training. I think it's really important that not only police but any group of individuals receives training in new legislation and new things that are coming along, even if it's a new recruit who needs training in just the regular run-of-the-mill things. So just generally, I believe in training.

More specifically, in terms of budget, you're right; it's a difficult item to deal with and we do have shrinking budgets. We're in a day and age of that. We're in a day and age, as you say, where taxpayers are fed up with higher taxes and so you can't squeeze anything more out of the taxpayer without a minor revolt or at least certainly some complaints.

What you have to do is look at the budget and make a plan. I would look to the police chief, to the management of the police force, to come with a plan—what is the training plan here for the force so that we can keep within our budgetary limitations so that the new people are being trained and the older folks—I mean by that the senior police—still get some training too and they don't lose out either. They have to balance that. That's good planning and good management, and it's tough at times.

Mr Grandmaître: With these necessary changes, and if you look at the climate right now, what's going on between the police forces across Ontario and the government, it seems like it's them against us. How do you see it? Do you think the government is having the best possible relationship?

Mr Grayman: With the police forces? Certainly, in the newspapers it looks like there's some—

Mr Grandmaître: Never mind the newspapers. You did say you read the newspapers every day. What's the feeling in Belleville? Is it "them against us"?

Mr Grayman: No, I don't think it is in Belleville. I don't get that feeling in Belleville. I think there is in other areas, but I don't think in Belleville particularly there is that "them against us" type of attitude. Certainly, there's controversy about some of the new legislation that's come down and there's a bit of a campaign with the blue ribbon, but there's not that really adversarial type of stance that's taken. I've noticed it in some other localities, but certainly not Belleville. I'm really pleased about that, by the way, too.

Mr Grandmaître: Why?

Mr Grayman: I like that there's that cooperativeness, that sense of cooperation.

Mr Grandmaître: Why is this happening in Toronto?

Mr Grayman: I don't know. I can't comment on Toronto. I used to live in Toronto, but I've lived for the last 15 or so years in Belleville, so I've moved.

Mr Grandmaître: Good move.

Mr Grayman: I think so too.

Mr Grandmaître: Going back to police budgets, as you know, municipal councils have very little to say or do with the police budgets. The police budget can be turned down by city council. They have very little leverage. They can appeal to the Ontario commission. The budget will go through automatically. I've witnessed this throughout the province for the last 25 years. Municipal councillors, or even the mayor who sits on the board, have very little to say.

Do you think the composition of those boards should be changed, that we should have more local politicians, more councillors, representing the population instead of having outsiders?

Mr Grayman: I'll tell you where I'm coming from with this particular comment. For instance, I'm responsible to a board of directors in my own job. The composition of that board is not just people who are professionals or business persons but also we look to community persons and consumers of services.

I guess what I'm looking at is that the police services board is very similar in that you have in a sense your professional people, your people who have been elected by constituency who are your councillors on there, and then you have your community people on that board too. There may even be an ex-consumer or whatever of police services for one reason or another.

I think it's good to have that mix on any board. That's a general trend in a lot of community services across the province, and I would applaud that personally.

Mr Grandmaître: Do you think, though, municipalities should have more of a say in policing and police budgets, as well as school boards, for that matter?

Mr Grayman: The way you put it was that it seemed almost inevitable that the police board budget is—

Mr Grandmaître: Believe me, it is.

Mr Grayman: Maybe that's my inexperience. I guess my thought was that council does have a chance to review it and can make certain recommendations about the particular budget, and it may say, "I'd like you to pare this down or look at that," or whatever.

I think by and large the budget will go through, but they can make recommendations, I would think—I could be wrong because of my inexperience—about certain parts of the budget. I don't think it's quite as cut and dried perhaps as you're laying out but, as I say, I could be wrong.

1020

Mr Grandmaître: I agree with you that council can make recommendations, but when it comes to evaluating a budget, recommendations don't mean too much. You'll realize this. They can recommend all day if they want to, but if the police services board is determined that that budget will go through, it will go through, because municipal councillors or municipal council has very little to say.

Again, just like school boards, municipalities are becoming tax collectors for school boards and the police services boards. I think it's very unfair. I think they should have a better representation at those levels, for the simple reason that, you know, 25% of your municipal tax bill is directly attributed to municipal services and 75% is other services.

Mr Grayman: Such as policing and schools.

Mr Grandmaître: Policing, schools, regional taxes, you name it—75%—and yet these people were elected to come up with a municipal budget. I think it's very unfair that these people be handcuffed the way they are.

The Chair: I'm afraid we have to move on.

Mr Grandmaître: God, oh God, we should have had an hour.

Mr Allan K. McLean (Simcoe East): Welcome to the committee.

Mr Grayman: Thanks very much.

Mr McLean: I see there's been a great controversy over the policing in Belleville with respect to the force. There's been a report. First of all, though, I want to know, how familiar are you with the police services board of Belleville? Do you know any members who are presently on the board?

Mr Grayman: I know at least two of the members who are on that board. One is the mayor and one is a councillor.

Mr McLean: Have there been some other new appointments that you are aware of?

Mr Grayman: I'm not aware of the public or whatever appointments now.

Mr McLean: Right. What is the feeling of the city of Belleville with regard to the report that was filed? It appears to me from reviewing some of it that the chief and some of the officers don't agree with the report. Do you have any background on it?

Mr Grayman: Only what I've read in the newspaper, that there is a conflict there, and I know they've had police wives picketing the police station. There's been a lot of controversy. I don't know all the details of it, because I only read that sort of stuff in the newspaper, so that's as much as anybody else knows. I do know there's controversy. I do know the board is involved in that controversy. I do know there's an investigation, if you like, or an assessment of the board and the police force happening at this moment. So I'll be a new member. Hopefully, I have a fresh perspective or more of an objective perspective perhaps than people who have been around for a while.

Mr McLean: On April 10, 1991, Mike Farnan, the then Solicitor General, announced that the police forces of Ontario have until May 1, 1992, to submit detailed plans on how they would meet their hiring quotas. Can you express your views with regard to employment equity?

Mr Grayman: Well, I believe in employment equity, in particular for women on the police force, and more recently for ethnic groups as well.

I don't know if you're aware of this, but Belleville has become a chosen place for a lot of new immigrants to come in. They're settled specifically in Belleville. They all don't sort of gravitate towards Toronto or the large centres in Canada. They're encouraged to come to Belleville. So we have a growing ethnic community in Belleville. I'd like to make sure they're represented on the police force in one fashion or another.

But in particular I'd like to see women represented there. They're underrepresented on the police force, and there are a lot of issues that the police get involved in that women, I think, are particularly well suited for. If you want to press me on that issue, I can speak more on it.

Mr McLean: How many females are there in the force now?

Mr Grayman: I don't know exactly, but there aren't very many.

Mr McLean: You said there should be more women. How do you know that there are not half of them there now?

Mr Grayman: I know there are not half of them. I know it's a very small number. I'm reluctant to say the exact amount, because it's only hearsay that I have, but I know it's a small amount.

Mr McLean: Freedom of information and protection of privacy: What is your opinion with regard to that issue?

Mr Grayman: Protection of privacy?

Mr McLean: Yes.

Mr Grayman: I think everyone has a right to that in terms of their private affairs. Are you thinking of the freedom of information act? Is that what you're—

Mr McLean: I'm referring mainly to, "The guidelines have not prevented police forces from continuing to develop their own policies about what information to withhold under the new act." I'm wondering if you feel that those regulations are proper or that they should be able to withhold information. I mean, if some group of people are caught in some washroom, should those names be released, or should they be held private through the freedom of information?

Mr Grayman: Right. I'm not familiar enough with that act to know the specifics of it. Certainly there have been recent changes in court reporting, for example, in the newspaper in terms of publishing of names. Let's say it was a sexual assault, for example; the victim's name is no longer published in the newspaper. That's the sort of thing that I think is good, and I'm glad that happens.

I think it's usually the case that the court orders this type of thing to happen, as opposed to its being a matter of course or even a legislated thing that that wouldn't happen; the court still has to initiate that. So those types of changes I think are worthwhile. I'm not sure if that legislation covers those types of instances. So the police would know what the victim's name is and would be compelled, perhaps, under the new legislation not to give out that name.

Mr McLean: Political activity by police officers: Do you have an opinion on whether the police officer should be allowed to participate in politics or not?

Mr Grayman: That's a good question, actually. I have mixed feelings about it. It's like the civil servants. I mean, that was the issue a number of years ago: Should civil servants be involved in politics? I know there was a large discussion about that. I think eventually it was ruled that they could, but the activity they participate in seems to be rather low key. So although they have the right to do so,

they seem to be low key, and I think there's a feeling among a lot of them that maybe it's still not kosher.

Mr McLean: I guess if it's after working hours, they would have the right, the same as anybody else.

Mr Grayman: That's right. So I believe they do have that right to do that, and just because of their particular profession, they shouldn't be restricted to that, but likely it will be low key. I don't say it should be, but it probably will be.

Mr McLean: Do you agree with the government's enforcement of the filling out of the form every time a police officer would draw his weapon?

Mr Grayman: I don't think that legislation came into being out of thin air. It came into being because of a lot of public discussion, a lot of input from various community groups. So as I say, I don't think it was just something that came out of thin air. I think it's a worthwhile and good piece of legislation in terms of how it's going to come down in terms of the actual workings of that legislation. Probably, there still needs to be some negotiation around that. I can see that the minister, Allan Pilkey, is going to have his hands full in negotiating that, but I believe in the legislation. Probably some glitches in it need to be ironed out.

Mr McLean: So what you're saying then is, in simple terms, yes, you agree with it.

Mr Grayman: Yes, I agree with it, but it needs some ironing out.

Mr McLean: Have you ever been involved in politics?

Mr Grayman: I was a campaign manager for the mayor of Belleville. That's the closest I've gotten to politics.

Mr Grandmaitre: Did he win?

Mr Grayman: Did she win? Yes.

Mr McLean: That's all at this time.

Mr Robert Frankford (Scarborough East): Based on your years of residence in Belleville and the work you do, can you give some idea of what you see as the crime-policing problems there? Do you feel the police resources should be reallocated into some other areas?

1030

Mr Grayman: I've always believed in community policing in particular. I think police can do a lot of good PR and raise their profile, as well as do a lot of good investigative work, if they're known to the people on the street.

One of the things I learned working in the field of corrections is that I always thought that police, in terms of solving a crime, did a Sherlock Holmes number, little realizing it wasn't like that at all. Basically, they rely on people coming forward and saying, "I saw such and such and I'm willing to put that in writing or stand up in court and say that." The only way you'll have people standing up and letting themselves be counted in that manner is if they are familiar with you, they know who you are and they have a relationship with you. Community policing does that.

One of the things the Belleville police force did fairly recently—and I think it's a wonderful idea. You might

laugh, but they have two police officers in the downtown core on bicycles, and that's how they do their patrolling. It's wonderful because they have a high profile. People see them, they can talk to them, they can chat to them, so I think it's a good move. That's the sort of thing I'd like to see—they out of their cruisers, on the street doing that sort of patrolling, meeting people and talking to them.

The Chair: Mr Cooper? I'm sorry. I assumed you were passing. Were you?

Mr Rosario Marchese (Fort York): No, he finished, and we're moving on.

The Chair: Okay then.

Mr Marchese: Mr Grayman, I have a question that relates very much to what Mr McLean was speaking to earlier, and that's some of the controversy that emerged as a result of the inspection that was done last year. To be specific, so you have a sense of what the issues are, the inspection revealed these problems: internal discipline is handled inconsistently; health and safety issues appear to be low priority to the force; female civilians and police have complained that they are the target of sexual harassment initiated by their supervisors; the reporting of use of force by officers was inadequate; the number of spousal assaults—charges laid by the force—has increased since 1988, but in Belleville the police force is below the provincial average of 62%; the force's management of its workload was inadequate; the force should adopt more proactive styles of policing; there's little real communication between the chief and other senior personnel and so on; on occasion relatives or close friends of command officers and police services board members have been awarded contracts tendered by the force. This gives you a sense of the kinds of problems you will have to face.

Mr McLean: They're big.

Mr Marchese: My question is, why would you want to be a board member? Why do you think, after that, that you can provide something useful by way of resolution of some of these questions?

Mr Grayman: Well, it's a good question actually, because I must admit I thought very carefully about, do I want to be a board member when the board, the police force is under such heavy scrutiny? Do I want to be involved in something like that? So I had some reservations in terms of applying for this position.

Then I got to thinking about, well, in one sense, I'm a new member, so I haven't been around. In terms of being implicated or whatever in old policies, it's not me, because I'm the new fellow on the block. That's one thing.

The other thing is that I'm really interested in these issues too, proactive policing, sexual harassment, spousal assault, that the number of charges laid aren't as high. Those things really interest me. Out of the list that you read, those three at least stuck in my mind.

I'd like to see a change in the police force for those things, and I think that would be positive. If, in fact, that's what the commission or the investigation is coming up with, that they're not meeting provincial standards, I'd like to see those standards met, and I'd like to see that happen in Belleville. I don't want Belleville being known as a

backwater. It is in other areas, but I don't want it to be known as that in terms of policing. So if I can help in that way, I'd like to do that, because I believe in those issues and I'd like to see the changes.

Mr Marchese: Thank you.

Mr Mike Cooper (Kitchener-Wilmot): A couple of things that we've gotten into: Mr Grandmaître was mentioning about the budgets, and Mr Frankford got into community policing just briefly, things like the community taking responsibility for policing, Neighbourhood Watch and Block Parent programs. I don't know if Belleville's participating in them.

Mr Grayman: They do, yes.

Mr Cooper: If the community takes an active role in that, do you think that would save on police budgets because it would cut down on their work?

Mr Grayman: Oh, I think that's the fantasy, that it would. I don't think it's true, though, that in fact it does. I think what happens is, you have better policing and I think your rate of folks who are caught for, let's say, break and enter—I think that's a good example. The rate at which people are actually caught and convicted of break and enter is really quite low and is surprising. You expect if your house is ransacked that the police will find the individual or individuals who did it. It's really quite low.

However, with community policing, the rate goes up. It doesn't mean that you have less work, but it does mean that maybe there's more satisfaction in your work, that in fact the police are seen to be doing a better job because they're finding folks and convictions are registered against people committing crimes.

Break and enter is one of the common crimes and it's one that's most upsetting to many victims, extremely upsetting because their house is ransacked, their goods are taken and it's really quite traumatic for a lot of people. So if there are more people caught and convicted of that, they're more appreciative of the police force; and that's where community policing comes in and that's where the Neighbour Watch, etc, Block Parent type of thing comes in. I'm thankful that those programs are around and I really support them.

Mr Cooper: I know in our community I'm a block captain for my Neighbourhood Watch, and it's been documented that the crime rate goes down when a street gets signed, so I was wondering if it reduces crime across the city if you get it really widespread rather than just in the locations where they would naturally just move to another location.

Mr Grayman: Right.

Mr Cooper: I was just wondering how you felt about that.

The other thing I wanted to know is, do they have an emergency response unit or a tactical squad in Belleville?

Mr Grayman: Like sort of a SWAT team type of thing?

Mr Cooper: Like a SWAT team.

Mr Grayman: I think they do actually, yes.

Mr Cooper: I know there was an article in yesterday's newspaper by Clayton Ruby and he was talking Metropolitan

Toronto and its emergency response unit. They said that there's only been one shooting over 2,000 calls and that these people are better trained to deal with the public.

How do you feel about that in Belleville where the regular officers are out there doing their community policing and when a difficulty comes up they get on the radio and call in these people who are better trained? This would obviously cut down on the training aspect that Mr Grand-maitre was talking about where every police officer would have to be totally trained.

Mr Grayman: It's true. When the tactical squads originally came out, their training was on a military style. It was really unfortunate, and I believe it was down in the Windsor area—there's a very famous case that probably you're familiar with of a fellow, whose name escapes me off the top of my head, who was in fact shot mistakenly by a tactical squad. Ever since that particular case took place there's been quite a massive retraining of tactical squads so that they do much more negotiation and less gun pulling and shooting. That's helped substantially, so that in fact the number of deaths and the number of shootings by tactical squads have gone dramatically down since that time as a result of training of that group of people; again, something I really applaud that's happened.

Mr Cooper: So you do agree that while the regular officers on the beat do need some training, if they went to the tactical thing and they were set up in policy that they would call them in emergency situations, that would be the better way to go.

Mr Grayman: Sure. I don't see that happening a lot either. I think if you're doing your community policing and if you've done well, there's not a great need for tactical squads. When you do need them, they're well-trained and you call them in and they do a good job.

Mr Cooper: So that would be part of the solution on this use of force regulation where we wouldn't have to spend a lot of money right away if they went to that policy.

Mr Grayman: I'll take that with me. That's a good answer.

Mr Cooper: As you understand, there isn't much money out there.

Mr Grayman: No, there isn't. It's true, I know.

Mr Cooper: This policy statement would be a better way to go until the money was freed and the training process was set up to train everybody then.

Mr Grayman: Sure.

The Chair: Mrs Carter, we've only got four seconds, but I'm going to be generous and give you a quick question.

Ms Jenny Carter (Peterborough): Oh, well, thank you.

I see that the inspection teams that went into Belleville found, firstly, that the board was a rubber stamp for the chief and, secondly, that the relationship between the board and the actual police association was very poor. I just wondered if you might have any thoughts on that.

1040

Mr Grayman: Well, I think it's my responsibility as a board member not to be a rubber stamp. Just as I'm responsible to a board of directors, I don't expect them to be a rubber stamp to my recommendations. I know it will take me a little while to understand all the issues and become, I guess, cogent of all of them, but I would not see it that I'm a rubber stamp. I will ask questions and there are certain issues that I will want to see some action being taken on, because certainly that list is one that I'm interested to see some changes happening in terms of the—

Ms Carter: There seems to be an inference that the police chief himself doesn't get on too well with the association.

Mr Grayman: Well, perhaps he needs some training. I don't know.

Ms Carter: Okay, thanks.

The Chair: Mr Grayman, that concludes the review. We appreciate your coming up from Belleville this morning and wish you well.

Mr Grayman: Thanks very much, and I appreciate the opportunity I've had to meet all of you and to answer your questions.

MAREK Z. TUFMAN

The Chair: Our next witness is Marek Tufman. Mr Tufman is an intended appointee as a member of the board of Inquiry under the Police Services Act. Mr Tufman, you've been here. I think you've noticed that the review's a 10-minute rotation between the parties. Do you have anything you'd like to say before we begin the questioning?

Mr Marek Z. Tufman: Good morning.

The Chair: Good morning. Thanks very much, and we'll look to Mr McLean to begin the questioning.

Mr McLean: Welcome to the committee. I know the background with regard to the complaints projects, the Metro force, but I want to zero in on with regard to the board of inquiry. Do you know how many members are on that board?

Mr Tufman: I believe altogether there are about 60.

Mr McLean: About 60?

Mr Tufman: Yes, one third of whom are appointed by the Attorney General and they are lawyers.

Mr McLean: And where's the balance of them from?

Mr Tufman: Well, there's one third appointed by the Attorney General, who act as chairs of the particular hearings, there's one third appointed by the police association, and the other third by the Association of Municipalities of Ontario.

Mr McLean: One third by the police association. Which association would that be, the overall Ontario?

Mr Tufman: That's right.

Mr McLean: And is it representative right across the province on that board?

Mr Tufman: Well, yes. The associations appoint the panel and then the members of the panel are assigned to particular regions, depending on their place of residence.

Mr McLean: I understand that the chair of each tribunal or each panel has got to be a lawyer.

Mr Tufman: I'm one of them.

Mr McLean: Right, and how many of them would there be in Ontario?

Mr Tufman: Well, there would be one third of the 60, which would be 20.

Mr McLean: One third of the 60. How much per diem do they get when they hold these hearings?

Mr Tufman: Well, \$293.

Mr McLean: That's pretty close. Okay, the board of inquiry hearings are open to the public in most cases, I understand, but there are some cases—

Mr Tufman: In most cases, although there can be cases in which they would not be that might involve some aspects of security or information that would have to be protected.

Mr McLean: What background do you have with regard to what's gone on with regard to the inquiries to date? Do you have much background?

Mr Tufman: There wouldn't have been very many inquiries to date, in any event. It is a very fresh system. I think we've had one or two hearings around. We do have a backlog of cases. So, quite frankly, in terms of the hearings themselves, I have absolutely no background.

Mr McLean: I guess December 1990 is when the board was changed. It went from the police complaints project act and it was changed and then it went to the—all appeals or claims lodged go now to the board of inquiry.

Mr Tufman: It obviously took some time to implement the system and get the panel organized. People had to apply, be interviewed and go through the process, like the one I'm going through now.

Mr McLean: What do you project in your own mind that's going to happen? Do you think there are going to be a lot of complaints laid by private people with regard to the conduct of their own police force or by members individually?

Mr Tufman: There is a need for that. I would hope that those issues would come out and that the issues would be directed to the boards of inquiry or to the police complaints commissioner. You might remember that it was one of the recommendations of the Lewis report that this sort of system be opened up to the general public. I don't believe that the system is swamped at this point and I'm sure that we wouldn't want to be swamped, because that might affect the quality of justice that we might want to administer.

At the same time, I think it would be appropriate for the public to be encouraged to come out with their complaints, if there are any, and through that I think eventually the reasons for complaints will diminish and the number of complaints eventually will be lowered. That's my scenario.

Mr McLean: Are there any police officers appointed to that board?

Mr Tufman: No, no police officer can be appointed to the board and no lawyer, other than the chair or vice-chair, can be appointed.

Mr McLean: Do you not feel that if the board of inquiry is sitting down, dealing with the conduct of a police officer, that some background or perhaps one member of that three-member panel maybe should be a police officer who knows the background of why that individual did what he did?

Mr Tufman: There is certainly a demand for people with the background, and that's why I would think that the police associations would put forward people with that sort of background and that sort of—I wouldn't want to say "sympathy," but at least an awareness of the problem. As lawyers, and in particular, such as myself, involved in litigation, we are not unfamiliar with aspects of policing. I wouldn't say I'm familiar thoroughly with those, but obviously we have some degree of awareness of that.

But I don't think that the degree of appearance of impartiality would be preserved if one of the sitting members were actually an active member of a police force, because even though there would likely be no bias on the part of that member of the board, there would certainly be a perception of one.

Mr McLean: Clare Lewis—is he the chairman of the police inquiry commission? Who's the chairman of it?

Mr Tufman: It's Nora Sanders.

Mr McLean: Is she a government appointee?

Mr Tufman: I believe so, yes.

Mr McLean: What involvement does Clare Lewis have with regard to anything that goes on within the organization, the police inquiry board?

Mr Tufman: I don't believe that Judge Lewis has anything to do with it.

Mr Grandmaître: No, he simply wrote a report.

Mr Tufman: That's right.

Mr McLean: Are you talking about Stephen Lewis or Clare Lewis?

Mr Tufman: There is Stephen Lewis and Clare Lewis. Clare Lewis was the police complaints commissioner, wasn't he?

Mr McLean: That's the one I was referring to.

Mr Tufman: There is no involvement by Mr Lewis in the workings of the board of inquiry, neither one, neither Mr Stephen Lewis nor Clare Lewis.

Mr McLean: Okay, I wanted that clear.

I know the clock's running, Mr Chair, but I have a few other questions that I wanted to raise. The chair's Nora Mary Sanders. If I'd done all my background work, I'd have known she was appointed in December 1981. Who recommended your appointment, the bar society?

Mr Tufman: No, I believe my name was put forward for the appointment itself by the Attorney General. In terms of how we got interested in that, there were simply newspaper advertisements run. One of those was pointed out to me and caused my interest and I wrote, and some time later it came to an appearance before you.

Mr McLean: Good. I will pass for now, Mr Chair.

Mr Cooper: Just a quick check, here. Most criminal lawyers are usually dealing with an unsavoury segment of society and most police officers are in the same situation.

I'm sure you're aware of the Stephen Lewis report and some of the attitudes that came out of that. I guess what I'm asking is, how do you feel about the police officers because of the segment they're dealing with? Do you feel there may be prejudices building up in the police force?

Mr Tufman: Well, I feel that there is a potential for it, but I think that proper training and proper education may help avert it. There is a certain potential for prejudice where people deal day in and day out with a particular element. People tend to see crime everywhere because that's what they are trained to do. Just like in any profession, when you are trained to do certain things, you tend to view that part of your life through a particular prism. But through training and through education and through appropriate building-in of attitudes you can overcome that and you can train yourself not to be prejudiced. I think that's what the system really ought to be about.

I think it would be foolish to pretend that there is no potential for prejudice in the circumstances, or indeed that there are no prejudices among some of the members of any social group, including the police.

1050

Mr Cooper: So you agree with the government's position that better training of the officers, especially on dealing with the communities, in conjunction with the police going out and doing community policing, where they actually know the people on their beat and the people in the neighbourhood, are going to solve a lot of the problems and we'd probably find fewer public complaints, maybe.

Mr Tufman: I don't think we can do any social engineering without actually being in the society. That's only common sense.

Mr Cooper: Okay. Thank you very much.

Ms Carter: With the previous witness we just touched on the question of whether police officers should be able to engage in politics, the understanding being that this is on an individual basis when they're not on duty and they're not in uniform and so on.

It seems to me there's another question and that's the one that we're looking at now, with the police as a body engaging in politics—not as individuals, but as members of the police force. I just wonder if you have any comments on that.

Mr Tufman: I suppose you're asking for my comments generally, as a lawyer, as a person, or as a future member of the board of inquiry, because those things wouldn't likely come before me.

I think that there is a large group of individuals who have a particular view of life. It's not unwise for those individuals to put their views forward. There are very few places where they can put them forward other than the government which regulates them. Whether the manner in which they put those views forward is acceptable or not is altogether a different issue, but I think that if they have certain views, as an association is a group of individuals, then those views ought to be heard. In this way I don't think that they are any more political than any union is or than any other professional association.

Ms Carter: But I guess the question is, where do you draw the line?

Mr Tufman: Where—

Ms Carter: Where do you draw the line?

Mr James J. Bradley (St Catharines): This union doesn't like the NDP; that's the difference.

Mr Tufman: Well, I don't know whether I would necessarily agree with that statement. I don't know much about it. But in terms of where you draw the line, I don't know where you draw the line. Obviously, there has to be some middle ground found, and I would hope, because obviously, if there is no political issue found, there is going to be only festering of the problem. I'm so glad that it will be you and not me who will have to find the resolution, because you are going to have a very difficult job on your hands.

If and when those issues—I can't readily imagine how those issues would come before the board of inquiry that I might join, but if they do, then of course the only thing that I would be doing is, I wouldn't be doing the political musings; I would just apply the law as the Legislature would pass it. That's all that I can do. Every judge or every adjudicator has certain political views of his or her own, and I'm not devoid of them.

Ms Carter: But I think there's a principle here involved because the police are not a regular union; they are, in fact, the people who carry out the law—

Mr Tufman: That's true.

Ms Carter: —so that a government that cannot rely on the police to do that would, in fact, not be a government.

Mr Bradley: What about the civil servants in the province? They carry out the law, the civil servants. You don't mind them unionizing.

Mr Tufman: Maybe what has transpired here has been, in my view, an unfortunate festering of the problem. The sooner you cut this Gordian knot the better. I quite frankly don't know where the line ought to be. There are certain types of unions and associations that are prohibited from applying the labour pressure because they are such essential services. If the Legislature were to see fit, I'm sure the Legislature could pass appropriate legislation in that direction with respect to the police. I don't believe that such legislation is presently in place. If there are legal means by which the police can utilize pressure, if that is a pressure, or express their views, then if there are such legal means, I see nothing wrong with that, personally.

The question of the line that you ask for, Ms Carter, is a difficult one. I don't think there would be members of the police force who would knowingly or willingly affect the public safety, or not respond to a call for help because they have a political dispute with the government. Obviously, if there had been any, they ought to be severely penalized. At the same time, a showing of expression of a particular political view or a social view, or with respect to certain regulations through the wearing of a blue ribbon, strikes me as a rather mellow expression of discontent.

Ms Carter: I see. I wonder if you could tell us a little bit more about the process by which you were appointed to this position.

Mr Tufman: Personally, just to make sure, I am not as yet appointed and I will not be unless you say so. That's the first thing.

Mr Bradley: That's a safe bet.

Mr Tufman: I have responded to an advertisement and I was interviewed by Ms Sanders, who is here, the chair, and by a community representative, who is the gentleman representing, I believe, the race relations committee of the city of Windsor, Mr Talbert, was it? They felt that I might be an appropriate member, and they put my name forward. There were references taken with respect to me. My background was checked. The closets were looked into, to see if there were any skeletons there. To the extent that they weren't found, I am here.

The Chair: No one else from the government side? You've got a minute and a half.

Mr Frankford: When hearings are held, they're based on rules of evidence. Presumably, a policeman is up there to—

Mr Tufman: Yes, obviously, the police officer is there to be heard. Some of those hearings may actually originate at the instance of the police officer because the police officer may apply to the board of inquiry if he or she has been disciplined by his or her chief.

Mr Frankford: On the use of force, it would seem to me that it would, let's say generally, be in the officer's interest to have a written report because this would be a piece of evidence that would be given great credence.

Mr Tufman: That is one of the arguments that's put forward, yes.

Mr Frankford: I think, from my medical background, that if I did not document a life-threatening procedure, and something went wrong, then I would have jeopardized myself.

Mr Tufman: I'll be very candid with you. I really don't quite know the details of the position of the police association in its dispute with the government, but I understand that there are some concerns that every pulling out of a gun may have to be documented. I can understand that if I were a police officer and if I were approaching a dark warehouse in the middle of the night to check a break and enter call, I may want to have my hand on whatever weapon I might then have, just to be sure that if the unexpected happens, I might be able to respond.

Look, my knowledge of those issues is a newspaper one. I don't have any insight that you would not have into those issues. Sure, it is always good to have something documented. I believe that the concerns of the police, as they have been voiced, is that the use of this documentation may be to their prejudice rather than to their assistance, but again, to what extent that can be resolved is something between yourselves and the police to resolve. I'm sorry; I mean the government and the police, not you.

1100

Mr Grandmaître: Tell me why, at this time, you want to be a member of this board?

Mr Tufman: It's an important challenge—put it that way. There have been many voices about a loss of trust and confidence and rapport between the police and some segments of our society. The board of inquiry, with its mandate, is supposed to alter that, to become a forum where those complaints can be voiced, brought and adjudicated. If I can be part of this change, then I certainly would feel that would be a very important contribution in this very little area. That's the principal reason.

It is challenging because it is always challenging for a lawyer to be part of the system of administration of justice, and it is important from a social point of view, and that's the principal reason.

Mr Grandmaître: I agree with you that there has been a loss of trust or confidence between policing and this government. I know it didn't happen overnight.

Mr Tufman: Perhaps, Mr Grandmaître, we have not understood each other. I did not say that there has been loss of trust between the police and the government. I thought I had said that there has been a loss of trust between the police and some segments of society.

I think that for the most part, any loss of trust and loss of confidence, between any groups, is not an overnight experience. It grows and it festers and it has to be repaired also over time. That's why, in my understanding, the Board of Inquiry is supposed to be the major tool to assist them, not through any conciliation, but through being a place to which a citizen or a police officer can bring his complaint if he has somehow fallen between the cracks in a system that's supposed to be faultless. If a person is aggrieved, he or she ought to be able to bring this complaint to an impartial tribunal. That's the recommendation that was made and that's the mandate of the Board of Inquiry.

Mr Bradley: When you mentioned the interview, sir, you said that when you interviewed for this, you were interviewed by the secretariat or whomever, and then you were interviewed by a race relations person in Windsor. Did you get interviewed by the police, since they're a party to this as well, or do we just hear from one side of the issue?

Mr Tufman: I wasn't interviewed by the police. I want it to be clearly understood, Mr Bradley, that I don't expect myself to be a voice of a particular viewpoint. I believe that I'm not being appointed as a representative of a pressure group and I'm not supposed to be responsive to a particular political viewpoint. To the contrary, my understanding is that I'm supposed to be as impartial as I can, and that's my deepest desire. I don't know to what extent the police have been involved in the selection process of the many who must have expressed their interest. I was not privy to that selection process. I was not interviewed by the police.

If the question simply was, are you, Tufman, or are you not anti-police? No, I'm not anti-police and I'm not pro-police; I'm not anti or pro any particular group. The issues that are going to come before the board are going to be real conflicts between real people. They are going to give real

stories that will have to be resolved, and that's what Tufman hopefully is going to assist in resolving.

Mr Bradley: My concern was about the selection process and the interview process. You were, as I say, interviewed by the person from the government to see if you fit what it wants, which is understandable, that's fine. You said, second, you were interviewed by the race relations person from Windsor. I'm wondering where the third person is. Whether the police think you're fine or not, the government still makes the decision. Maybe the police don't think you're fine and the government's still going to appoint you. That's their business. They're the government. But you see, what I'm getting at is that you were interviewed by the person from the agency or from the government, and you were interviewed by the race relations person, but then you're not interviewed by the police person, and that's what I'm concerned about.

I'd also be concerned about, what kind of questions did they ask you?

Mr Tufman: At the interviews?

Mr Bradley: Yes.

Mr Tufman: They essentially went through my life story, through some of the questions you have posed, through my attitudes. Pretty well it was as thorough an interview as it could be, but I felt that the questions that were asked of me in the interview did not as much deal with my professional credentials, which as a lawyer can be easily documented, but rather with searching into my, in quotes, human qualities. That's how perceived that. If they found them in me, then I'm grateful, and of course flattered.

Mr Bradley: Did they ask you about your attitudes towards the police?

Mr Tufman: I was asked whether or not I had any disputes personally with the police. Did I sue the police? Obviously, it was very clear to me that no person who could be perceived as having had a particular bias would be invited to join.

Mr Bradley: You had the perception that if you showed a healthy suspicion of police, you would not be appointed?

Mr Tufman: I don't think any person who—
Interjection.

Mr Bradley: What everybody wishes.

Mr Tufman: I don't think any suspicion of any particular group is a healthy suspicion, whether it's a suspicion of the police or a suspicion of any other group. I don't think suspicions, in general, of a group are healthy. As a member of the Board of Inquiry, I may form my suspicions as to the veracity of some evidence that a particular witness might give before me, but that's when I will be forming the suspicions.

What I think that the investigation—when I was being interviewed by people who put me forward—was concentrating on was really on something different. Am I a person who might possibly be perceived as being biased in any fashion by anybody. Look, if I had made my living by suing the police left, right and centre, then obviously, for

obvious reasons, I would not be a candidate who would come to the top of the list. It wouldn't make any sense for me to be there.

If I had come into continuous conflict with police, or if I were a lawyer acting habitually for police officers and representing them in disciplinary hearings, again, some perception of bias might have been observed. I am neither. I have not habitually acted either for or against the police, and maybe that's one of the reasons why my name was selected from among those who must have been reviewed. I'm sure I wasn't the only one who just popped into their vision, that they had to pluck me from there because there was nobody else. There are usually quite a number of people who are interested in this sort of work.

1110

Mr Bradley: One of the concerns that police officers have expressed—the reason I'm getting to the interview process—is that they have not been consulted along the way, that only certain people are consulted and the police are not consulted.

When I heard that the board of inquiry people or the government people interviewed you and then the race relations person from Windsor interviewed you but nobody from the police interviewed you, my concern was that the police would feel they were left out of this, even if they still choose you. The problem as I see it—I express a personal point of view—is that the police never seem to be consulted on this any more. I mean, you can consult them and if the government wants it can still ignore them, but that was my concern with that. But let me get to my other question.

The Chair: No, I'm afraid you got that off your chest and that's it. The time has expired.

Mr Bradley: That's the problem with this committee. There's so little time you never get enough chance to ask lots of good questions. That's why this committee is set up this way.

The Chair: Mr Tufman, that concludes your interview this morning. We wish you well with your new responsibilities.

Mr Tufman: Thank you, Mr Chair.

The Chair: The next matter, committee members, although it's not on your agenda, is a concurrence motion or motions in respect to the witnesses who have appeared before us. We can deal with them, as you know, with one or more motions.

Mr Marchese: I move concurrence, Mr Chair.

The Chair: Mr Marchese moves concurrence with the appointments of Mr Grayman and Mr Tufman. Any discussion on the motion? All in favour? Carried.

COMMITTEE BUSINESS

The Chair: The next matter is the report of the sub-committee on committee business. You all have a copy of that. It should be at the back of the packages you received. There is really only one matter and that's the selection of Mr Maurice Strong for a two-hour review on December 9.

Mr Bradley: That ought to be good.

The Chair: This was the selection of the official opposition, with the agreement of the Conservative Party and the government party representatives on the subcommittee. Any discussion on the subcommittee report? If there are no problems with that, then we'll just move right along without a motion.

The next matter is the discussion of the committee mandate. Before Mr Grandmaître left to go to another meeting, he indicated that he wanted me to put his wish on the record that he would like to see—I assume that this was going to be happening in any event; we did it last year and I was operating under the assumption anyway that we would do it again this year—a representative of the secretariat here to discuss the process and review the mandate with—what's the lady's name?

Mr Bradley: John Sewell doesn't want to come, I see.

The Chair: Marilyn Roycroft along with Nancy Pearson. I'm not sure how we would work the process, but last year we had Marilyn here, as you will recall, and she had just been appointed to that position and certainly wasn't familiar with a lot of the workings of the office.

Now she's had some time and I would see that as something we would be doing on a regular basis, in any event, so I don't think anyone would disagree and we will try to schedule that at some point in the future. Otherwise, I'm not sure how we wish to proceed with this. Mr Marchese.

Mr Marchese: I know that Mr Waters wanted to speak to this and I'm not entirely sure of the detail that he wanted or what he wants to say. Because he's not sure, perhaps we might defer it to the next meeting if there's time to have a half-hour for that.

Mr Bradley: That's fine. Mr Grandmaître isn't here, so that's fine.

Mr Marchese: And Mr Grandmaître.

The Chair: I have no problem with that. Are we in agreement that we'll defer that? All three subcommittee representatives are absent this morning.

Mr Bradley: I'm devastated that John Sewell doesn't want to come before this committee, that's all. I've looked here and it says he doesn't want to come here.

The Chair: We can move on to a couple of new items that are attachments, before we get to the Sewell letter. You all have copies of the proposed budget before you, which we would like to have passage of today, if that's possible.

Mr Bradley: I hope we don't have to assume the cost of the coaching of the people coming before the committee. That doesn't come under our budget, does it?

The Chair: This is essentially based on the budget that we used last year, I believe, not an awful lot of change.

Mr Marchese: Are there any changes, Mr Chair?

The Chair: Not that I'm aware of. From 12 weeks to four weeks in terms of sittings. A possible three weeks this winter. We've been operating without a budget, I gather.

Clerk of the Committee (Ms Lynn Mellor): You're in the red.

The Chair: We're in the red.

Mr Bradley: Just like the government.

Mr Marchese: Any junkets for the Liberal Party?

The Chair: Albania, or some place like that.

We're proposing three weeks this winter. Whether the board and House leaders will agree to that, we don't know, but that's what we're suggesting.

Ms Carter: Do we know the dates?

The Chair: No, we don't have the dates, and that will really be the House leaders who will make that call. We can certainly with the representatives of the subcommittee make a recommendation in terms of what we, as a committee, would like to see as sitting dates. We traditionally do that, which hopefully will meet with the needs of most members of the committee.

Mr Marchese: Do we need a motion to approve this?

The Chair: Yes, we do. Moved by Mr Marchese that we approve the budget as presented.

Any additional questions on this? I may just pose one question. I don't want to put the clerk on the spot here, but the total of \$88,628, how does that compare with the previous year? Do you recall?

Clerk of the Committee: About \$100,000 less.

The Chair: Did everyone hear that?

Mr Bradley: It's \$100,000 less? Less than a cabinet minister makes. That's not bad. This committee costs less than a cabinet minister.

The Chair: Okay. No further discussion? All in favour of the motion to approve the budget as presented? Opposed, if any? Motion carried.

The next matter is in respect to dealing with the OMB matter. I have that tentative agenda. This is for next week, and it's part of our review of the OMB. We had tentatively scheduled Mr Dale Martin and Mr John Sewell. As you know by the correspondence in front of you, Mr Sewell has indicated that it's inconvenient for him to attend and is suggesting that he would be willing to appear at a later date.

I guess since we're looking at this meeting next week, Mr Martin has agreed to attend. What's the committee's wish or view in respect to this matter, since we have set aside this day?

Mr Marchese: If Mr Martin is available, then we just reverse them. Is that the suggestion?

The Chair: We had intended to have both of them in for one hour each.

Mr Bradley: Can you bring Jack Layton in too? Have all three?

Mr Marchese: My suggestion on Mr Sewell is that we could suggest to him that he give a provisional report. Obviously, the recommendations are not available yet because they're still working on them, and I suppose if the membership here was interested in hearing a provisional report, we could say that to him or we can wait. I can wait personally, but I don't know whether others feel that we

should or we shouldn't. If Mr Bradley can wait and you as the Chair can wait, then we can—

The Chair: I guess it's depending on the thinking of the committee whether we had wished or intended to issue our report prior to the Sewell commission, although he's indicating that its draft report is going to be available shortly after Christmas. I don't think there's any way that this committee will be finalizing its report on the OMB prior to the Sewell commission draft. At this point all I'm concerned about is next week with Mr Martin—is it sufficient to proceed with just Mr Martin as a witness? are we comfortable with that?—and look forward to having Mr Sewell at some point later on.

Mr Bradley: Yes. Mr Martin has a different role.

The Chair: The clerk reminds me that perhaps we can set aside some time next week because our research officer

has prepared three draft reports that we discussed last week briefly, if you'll recall. Those drafts will be ready and we'll set aside a block of time next week for that, and those drafts will be circulated to you I gather later today so that you'll have a week to consider them.

Mr Marchese: Including the mandate, Mr Chair. We need time for that as well.

The Chair: We can discuss that. I'm concerned that a discussion of the mandate is going to take some time. We're looking at two hours, at least one hour for Mr Martin, and we've got three draft reports to go through, so I suspect that's going to take the time up. If we have some time, perhaps we can have some brief discussion of the mandate.

Okay. Nothing further? Meeting adjourned.

The committee adjourned at 1122.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

- ***Chair / Président:** Runciman, Robert W. (Leeds-Grenville PC)
- ***Vice-Chair / Vice-Président:** McLean, Allan K. (Simcoe East/-Est PC)
- *Bradley, James J. (St Catharines L)
- *Carter, Jenny (Peterborough ND)
 - Cleary, John C. (Cornwall L)
 - Ferguson, Will, (Kitchener ND)
- *Frankford, Robert (Scarborough East/-Est ND)
- *Grandmaître, Bernard (Ottawa East/-Est L)
- *Marchese, Rosario (Fort York ND)
 - Stockwell, Chris (Etobicoke West/-Ouest PC)
 - Waters, Daniel (Muskoka-Georgian Bay ND)
 - Wiseman, Jim (Durham West/-Ouest ND)

Substitutions / Membres remplaçants:

- *Cooper, Mike (Kitchener-Wilmot ND) for Mr Ferguson
- *MacKinnon, Ellen (Lambton ND) for Mr Wiseman

*In attendance / présents

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service

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